

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE NO. 2 FOR
SENATE BILL NO. 976
94TH GENERAL ASSEMBLY

Reported from the Committee on Judiciary May 5, 2008 with recommendation that House Committee Substitute No. 2 for Senate Bill No. 976 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(21)(f).

D. ADAM CRUMBLISS, Chief Clerk

4255L.05C

AN ACT

To repeal sections 1.020, 28.160, 41.950, 49.292, 57.280, 58.451, 58.720, 137.122, 167.031, 168.133, 191.225, 194.119, 195.017, 211.021, 211.031, 211.033, 211.034, 211.041, 211.061, 211.071, 211.091, 211.321, 217.450, 217.827, 217.831, 226.095, 287.067, 290.505, 302.341, 347.179, 351.047, 351.120, 351.125, 351.127, 351.145, 351.155, 351.484, 351.592, 351.594, 351.598, 351.602, 351.690, 355.016, 355.021, 355.066, 355.071, 355.151, 355.176, 355.688, 355.706, 355.796, 355.806, 355.811, 355.821, 355.856, 356.211, 359.681, 362.550, 386.266, 417.011, 417.016, 417.018, 417.026, 417.031, 417.046, 417.210, 427.225, 429.015, 452.305, 452.310, 452.343, 452.377, 452.380, 452.440, 452.445, 452.450, 452.455, 452.460, 452.465, 452.470, 452.475, 452.480, 452.485, 452.490, 452.495, 452.500, 452.505, 452.510, 452.515, 452.520, 452.525, 452.530, 452.535, 452.540, 452.545, 452.550, 454.850, 454.855, 454.857, 454.860, 454.867, 454.869, 454.871, 454.874, 454.877, 454.880, 454.885, 454.887, 454.890, 454.892, 454.895, 454.897, 454.902, 454.905, 454.907, 454.912, 454.917, 454.920, 454.927, 454.930, 454.932, 454.934, 454.936, 454.943, 454.946, 454.951, 454.956, 454.958, 454.963, 454.971, 454.973, 454.976, 454.983, 454.989, 454.991, 454.993, 455.005, 455.513, 456.5-505, 456.8-802, 456.8-816, 476.083, 477.600, 478.387, 478.437, 478.463, 478.466, 478.513, 478.750, 479.260, 488.012, 488.429, 488.435, 488.5025, 494.430, 514.040, 517.041, 536.024, 536.037, 537.528, 537.675, 559.115, 565.084, 566.226, 575.070, 595.045, 610.010, 621.250, 640.013, and 650.350, RSMo, sections 317.006, 317.011 and 317.015 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 780 merged with conference committee substitute no. 2 for

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

house committee substitute for senate committee substitute for senate bill no. 308, ninety-fourth general assembly, first regular session, and section 454.516 as enacted by senate substitute for senate committee substitute for house bill no. 2008, ninety-first general assembly, second regular session and section 454.516 as enacted by conference committee substitute for house substitute for house committee substitute for senate bill no. 895, ninety-first general assembly, second regular session, and to enact in lieu thereof two hundred forty-five new sections relating to judicial procedure and personnel, with penalty provisions and an emergency clause for certain

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 1.020, 28.160, 41.950, 49.292, 57.280, 58.451, 58.720, 137.122, 167.031, 168.133, 191.225, 194.119, 195.017, 211.021, 211.031, 211.033, 211.034, 211.041, 211.061, 211.071, 211.091, 211.321, 217.450, 217.827, 217.831, 226.095, 287.067, 290.505, 302.341, 347.179, 351.047, 351.120, 351.125, 351.127, 351.145, 351.155, 351.484, 351.592, 351.594, 351.598, 351.602, 351.690, 355.016, 355.021, 355.066, 355.071, 355.151, 355.176, 355.688, 355.706, 355.796, 355.806, 355.811, 355.821, 355.856, 356.211, 359.681, 362.550, 386.266, 417.011, 417.016, 417.018, 417.026, 417.031, 417.046, 417.210, 427.225, 429.015, 452.305, 452.310, 452.343, 452.377, 452.380, 452.440, 452.445, 452.450, 452.455, 452.460, 452.465, 452.470, 452.475, 452.480, 452.485, 452.490, 452.495, 452.500, 452.505, 452.510, 452.515, 452.520, 452.525, 452.530, 452.535, 452.540, 452.545, 452.550, 454.850, 454.855, 454.857, 454.860, 454.867, 454.869, 454.871, 454.874, 454.877, 454.880, 454.885, 454.887, 454.890, 454.892, 454.895, 454.897, 454.902, 454.905, 454.907, 454.912, 454.917, 454.920, 454.927, 454.930, 454.932, 454.934, 454.936, 454.943, 454.946, 454.951, 454.956, 454.958, 454.963, 454.971, 454.973, 454.976, 454.983, 454.989, 454.991, 454.993, 455.005, 455.513, 456.5-505, 456.8-802, 456.8-816, 476.083, 477.600, 478.387, 478.437, 478.463, 478.466, 478.513, 478.750, 479.260, 488.012, 488.429, 488.435, 488.5025, 494.430, 514.040, 517.041, 536.024, 536.037, 537.528, 537.675, 559.115, 565.084, 566.226, 575.070, 595.045, 610.010, 621.250, 640.013, and 650.350, RSMo, sections 317.006, 317.011, and 317.015 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 780 merged with conference committee substitute no. 2 for house committee substitute for senate committee substitute for senate bill no. 308, ninety-fourth general assembly, first regular session, and section 454.516 as enacted by senate substitute for senate committee substitute for house bill no. 2008, ninety-first general assembly, second regular session and section 454.516 as enacted by conference committee substitute for house substitute for house committee substitute for senate bill no. 895, ninety-first general

26 assembly, second regular session, are repealed and two hundred forty-five new sections enacted
27 in lieu thereof, to be known as sections 1.020, 8.890, 28.160, 41.950, 49.292, 57.278, 57.280,
28 58.451, 58.720, 71.1000, 137.122, 167.031, 168.133, 191.225, 194.119, 195.017, 211.021,
29 211.031, 211.033, 211.034, 211.041, 211.061, 211.071, 211.091, 211.321, 217.450, 217.827,
30 217.831, 267.165, 287.067, 290.505, 290.531, 302.341, 317.006, 317.011, 317.015, 347.179,
31 351.047, 351.120, 351.122, 351.125, 351.127, 351.145, 351.155, 351.408, 351.409, 351.484,
32 351.592, 351.594, 351.598, 351.602, 351.690, 355.016, 355.021, 355.066, 355.071, 355.151,
33 355.176, 355.688, 355.706, 355.796, 355.806, 355.811, 355.821, 355.856, 355.857, 356.211,
34 359.681, 362.550, 379.130, 386.266, 417.011, 417.016, 417.018, 417.026, 417.031, 417.046,
35 417.049, 417.210, 427.225, 429.015, 441.645, 441.715, 442.558, 452.305, 452.310, 452.377,
36 452.380, 452.615, 452.620, 452.625, 452.630, 452.635, 452.640, 452.645, 452.650, 452.655,
37 452.660, 452.665, 452.670, 452.700, 452.705, 452.710, 452.715, 452.720, 452.725, 452.730,
38 452.735, 452.740, 452.745, 452.747, 452.750, 452.755, 452.760, 452.762, 452.765, 452.770,
39 452.775, 452.780, 452.782, 452.785, 452.790, 452.795, 452.800, 452.805, 452.810, 452.815,
40 452.820, 452.825, 452.830, 452.835, 452.840, 452.845, 452.850, 452.855, 452.860, 452.865,
41 452.870, 452.875, 452.880, 452.885, 452.890, 452.895, 452.900, 452.905, 452.910, 452.915,
42 452.920, 452.925, 452.930, 454.516, 454.850, 454.855, 454.857, 454.860, 454.867, 454.869,
43 454.871, 454.874, 454.877, 454.878, 454.879, 454.880, 454.885, 454.887, 454.890, 454.892,
44 454.895, 454.897, 454.902, 454.905, 454.907, 454.912, 454.917, 454.920, 454.927, 454.930,
45 454.932, 454.934, 454.936, 454.943, 454.946, 454.951, 454.956, 454.958, 454.963, 454.971,
46 454.973, 454.976, 454.982, 454.983, 454.989, 454.991, 455.005, 455.513, 456.4-418, 456.5-505,
47 456.8-802, 456.8-816, 476.083, 477.600, 478.387, 478.437, 478.463, 478.466, 478.513, 478.750,
48 478.755, 478.760, 479.260, 488.012, 488.033, 488.429, 488.435, 488.5025, 494.430, 514.040,
49 517.041, 524.045, 534.025, 535.025, 536.024, 536.037, 537.055, 537.528, 537.675, 559.115,
50 565.084, 566.226, 575.065, 575.070, 595.045, 595.107, 610.010, 621.250, 640.013, 650.350, 1,
51 2, 3, 4, 5, 6, 7, and 8, to read as follows:

1.020. As used in the statutory laws of this state, unless otherwise specially provided or
2 unless plainly repugnant to the intent of the legislature or to the context thereof:

3 (1) **"Certified mail" or "certified mail with return receipt requested", includes any**
4 **parcel or letter carried by an overnight, express, or ground delivery service that allows a**
5 **sender or recipient to electronically track its location;**

6 (2) "County or circuit attorney" means prosecuting attorney;

7 [(2)] (3) "Executor" includes administrator where the subject matter applies to an
8 administrator;

9 [(3)] (4) "General election" means the election required to be held on the Tuesday
10 succeeding the first Monday of November, biennially;

11 [(4)] (5) "Guardian", if used in a section in a context relating to property rights or
12 obligations, means "conservator of the estate" as defined in chapter 475, RSMo.
13 "Guardianship", if used in a section in a context relating to rights and obligations other than
14 property rights or obligations, means "guardian of the person" as defined in chapter 475, RSMo;
15 [(5)] (6) "Handicap" means a mental or physical impairment that substantially limits one
16 or more major life activities, whether the impairment is congenital or acquired by accident,
17 injury, or disease, and where the impairment is verified by medical findings;
18 [(6)] (7) "Heretofore" means any time previous to the day when the statute containing
19 it takes effect; and "hereafter" means the time after the statute containing it takes effect;
20 [(7)] (8) "In vacation" includes any adjournment of court for more than one day
21 whenever any act is authorized to be done by or any power given to a court, or judge thereof in
22 vacation, or whenever any act is authorized to be done by or any power given to a clerk of any
23 court in vacation;
24 [(8)] (9) "Incompetent", if used in a section in a context relating to actual occupational
25 ability without reference to a court adjudication of incompetency, means the actual ability of a
26 person to perform in that occupation. "Incompetent", if used in a section in a context relating
27 to the property rights and obligations of a person, means a "disabled person" as defined in
28 chapter 475, RSMo. "Incompetent", if used in a section in a context relating to the rights and
29 obligations of a person other than property rights and obligations, means an "incapacitated
30 person" as defined in chapter 475, RSMo;
31 [(9)] (10) "Justice of the county court" means commissioner of the county commission;
32 [(10)] (11) "Month" and "year". "Month" means a calendar month, and "year" means
33 a calendar year unless otherwise expressed, and is equivalent to the words "year of our Lord";
34 [(11)] (12) The word "person" may extend and be applied to bodies politic and
35 corporate, and to partnerships and other unincorporated associations;
36 [(12)] (13) "Personal property" includes money, goods, chattels, things in action and
37 evidences of debt;
38 [(13)] (14) "Place of residence" means the place where the family of any person
39 permanently resides in this state, and the place where any person having no family generally
40 lodges;
41 [(14)] (15) "Preceding" and "following", when used by way of reference to any section
42 of the statutes, mean the section next preceding or next following that in which the reference is
43 made, unless some other section is expressly designated in the reference;
44 [(15)] (16) "Property" includes real and personal property;
45 [(16)] (17) "Real property" or "premises" or "real estate" or "lands" is coextensive with
46 lands, tenements and hereditaments;

47 [(17)] (18) "State", when applied to any of the United States, includes the District of
 48 Columbia and the territories, and the words "United States" includes such district and territories;

49 [(18)] (19) "Under legal disability" includes persons within the age of minority or of
 50 unsound mind or imprisoned;

51 [(19)] (20) "Ward", if used in a section in a context relating to the property rights and
 52 obligations of a person, means a "protectee" as defined in chapter 475, RSMo. "Ward", if used
 53 in a section in a context relating to the rights and obligations of a person other than property
 54 rights and obligations, means a "ward" as defined in chapter 475, RSMo;

55 [(20)] (21) "Will" includes the words "testament" and "codicil";

56 [(21)] (22) "Written" and "in writing" and "writing word for word" includes printing,
 57 lithographing, or other mode of representing words and letters, but in all cases where the
 58 signature of any person is required, the proper handwriting of the person, or his mark, is
 59 intended.

**8.890. 1. No resident of the United States shall be denied access to any public land
 2 owned, managed, or funded by the state of Missouri for the purpose of riding horses or
 3 mules on designated trails and roads systems currently in use, if sufficient acreage exists
 4 to permit such use; except that, such access may be denied if such use is contrary or
 5 detrimental to the current usage of such lands by the state of Missouri or contraindicated
 6 based on available scientific or geological data.**

**7 2. Nothing in this section shall be construed to cause an act of riding horses or
 8 mules to be excluded from inclusion in the development of new trails on Missouri public
 9 lands.**

28.160. 1. The state shall be entitled to fees for services to be rendered by the secretary
 2 of state as follows:

3 For issuing commission to notary public	\$15.00
4 For countersigning and sealing certificates of	
5 official character	10.00
6 For all other certificates	5.00
7 For copying archive and state library records,	
8 papers or documents, for each page 8 ½ x 14	
9 inches and smaller, not to exceed the actual	
10 cost of document search and duplication	
11 For duplicating microfilm, for each roll, not to	
12 exceed the actual cost of staff time required	
13 for searches and duplication	
14 For copying all other records, papers or documents,	
15 for each page 8 ½ x 14 inches and smaller, not	

16 to exceed the actual cost of document search
17 and duplication

18 For certifying copies of records and papers or documents 5.00

19 For causing service of process to be made 10.00

20 For electronic telephone transmittal, per page 2.00

21 2. There is hereby established the "Secretary of State's Technology Trust Fund Account"
22 which shall be administered by the state treasurer. All yield, interest, income, increment, or gain
23 received from time deposit of moneys in the state treasury to the credit of the secretary of state's
24 technology trust fund account shall be credited by the state treasurer to the account. The
25 provisions of section 33.080, RSMo, to the contrary notwithstanding, moneys in the fund shall
26 not be transferred and placed to the credit of general revenue until the amount in the fund at the
27 end of a biennium exceeds five million dollars. In any such biennium the amount in the fund
28 in excess of five million dollars shall be transferred to general revenue.

29 3. The secretary of state may collect an additional fee of ten dollars for the issuance of
30 new and renewal notary commissions which shall be deposited in the state treasury and credited
31 to the secretary of state's technology trust fund account.

32 4. The secretary of state may ask the general assembly to appropriate funds from the
33 technology trust fund for the purposes of establishing, procuring, developing, modernizing and
34 maintaining:

35 (1) An electronic data processing system and programs capable of maintaining a
36 centralized database of all registered voters in the state;

37 (2) Library services offered to the citizens of this state;

38 (3) Administrative rules services, equipment and functions;

39 (4) Services, equipment and functions relating to securities;

40 (5) Services, equipment and functions relating to corporations and business
41 organizations;

42 (6) Services, equipment and functions relating to the Uniform Commercial Code;

43 (7) Services, equipment and functions relating to archives;

44 (8) Services, equipment and functions relating to record services; and

45 (9) Services, equipment and functions relating to state and local elections.

46 5. Notwithstanding any provision of this section to the contrary, the secretary of state
47 shall not collect fees, for processing apostilles, certifications and authentications prior to the
48 placement of a child for adoption, in excess of one hundred dollars per child per adoption, or per
49 multiple children to be adopted at the same time.

50 **6. The secretary of state may promulgate rules to establish fees to be charged and**
51 **collected for special handling in connection with filing documents, issuing certificates, and**
52 **other services performed by the office, including expedited filing. Any rule or portion of**

53 a rule, as that term is defined in section 536.010, RSMo, that is created under the authority
54 delegated in this section shall become effective only if it complies with and is subject to all
55 of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This
56 section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the
57 general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or
58 to disapprove and annul a rule are subsequently held unconstitutional, then the grant of
59 rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be
60 invalid and void. Fees charged under this subsection shall approximate the estimated cost
61 of special handling and shall not exceed five hundred dollars per document filed or
62 document requested. Requests for special handling or expedited filing may be filled, and
63 the fees under this subsection may be charged, only if the special handling does not cause
64 disruption or delay in the process of normal handling of documents. Such determination
65 shall be at the sole discretion of the secretary of state or his or her designee, and neither
66 the secretary of state nor his or her designee shall be liable in any manner for the
67 acceptance or rejection of requests for special handling or expedited filing.

41.950. 1. Any resident of this state who is a member of the national guard or of any
2 reserve component of the armed forces of the United States or who is a member of the United
3 States Army, the United States Navy, the United States Air Force, the United States Marine
4 Corps, the United States Coast Guard or an officer of the United States Public Health Service
5 detailed by proper authority for duty with any branch of the United States armed forces
6 described in this section and who is engaged in the performance of active duty in the military
7 service of the United States in a military conflict in which reserve components have been called
8 to active duty under the authority of 10 U.S.C. 672(d) or 10 U.S.C. 673b or any such subsequent
9 call or order by the President or Congress for any period of thirty days or more shall be relieved
10 from certain provisions of state law, as follows:

11 (1) No person performing such military service who owns a motor vehicle shall be
12 required to maintain financial responsibility on such motor vehicle as required under section
13 303.025, RSMo, until such time as that person completes such military service, unless any
14 person shall be operating such motor vehicle while the vehicle owner is performing such military
15 service;

16 (2) No person failing to renew his driver's license while performing such military service
17 shall be required to take a complete examination as required under section 302.173, RSMo,
18 when renewing his license within sixty days after completing such military service;

19 (3) Any motor vehicle registration required under chapter 301, RSMo, that expires for
20 any person performing such military service may be renewed by such person within sixty days
21 of completing such military service without being required to pay a delinquent registration fee;

22 however, such motor vehicle shall not be operated while the person is performing such military
23 service unless the motor vehicle registration is renewed;

24 (4) Any person enrolled by the supreme court of Missouri or licensed, registered or
25 certified under chapter 168, 256, 289, 317, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333,
26 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 375, 640 or 644, RSMo, and
27 interpreters licensed under sections 209.319 to 209.339, RSMo, whose license, registration or
28 certification expires while performing such military service, may renew such license, registration
29 or certification within sixty days of completing such military service without penalty;

30 (5) In the case of [annual] **corporate registration** reports, franchise tax reports or other
31 reports required to be filed with the office of secretary of state, where the filing of such report
32 would be delayed because of a person performing such military service, such reports shall be
33 filed without penalty within one hundred twenty days of the completion of such military service;

34 (6) No person performing such military service who is subject to a criminal summons
35 for a traffic violation shall be subject to nonappearance sanctions for such violation until after
36 one hundred eighty days after the completion of such military service;

37 (7) No person performing such military service who is required under state law to file
38 financial disclosure reports shall be required to file such reports while performing such military
39 service; however, such reports covering that period of time that such military service is
40 performed shall be filed within one hundred eighty days after the completion of such military
41 service;

42 (8) Any person with an indebtedness, liability or obligation for state income tax or
43 property tax on personal or real property who is performing such military service or a spouse of
44 such person filing a combined return or owning property jointly shall be granted an extension
45 to file any papers or to pay any obligation until one hundred eighty days after the completion of
46 such military service or continuous hospitalization as a result of such military service
47 notwithstanding the provisions of section 143.991, RSMo, to the contrary and shall be allowed
48 to pay such tax without penalty or interest if paid within the one hundred eighty-day period;

49 (9) Notwithstanding other provisions of the law to the contrary, for the purposes of this
50 section, interest shall be allowed and paid on any overpayment of tax imposed by sections
51 143.011 to 143.998, RSMo, at the rate of six percent per annum from the original due date of
52 the return or the date the tax was paid, whichever is later;

53 (10) No state agency, board, commission or administrative tribunal shall take any
54 administrative action against any person performing such military service for that person's
55 failure to take any required action or meet any required obligation not already provided for in
56 subdivisions (1) to (8) of this subsection until one hundred eighty days after the completion of
57 such military service, except that any agency, board, commission or administrative tribunal

58 affected by this subdivision may, in its discretion, extend the time required to take such action
59 or meet such obligation beyond the one hundred eighty-day period;

60 (11) Any disciplinary or administrative action or proceeding before any state agency,
61 board, commission or administrative tribunal where the person performing such military service
62 is a necessary party, which occurs during such period of military service, shall be stayed by the
63 administrative entity before which it is pending until sixty days after the end of such military
64 service.

65 2. Upon completing such military service, the person shall provide the appropriate
66 agency, board, commission or administrative tribunal an official order from the appropriate
67 military authority as evidence of such military service.

68 3. The provisions of this section shall apply to any individual defined in subsection 1
69 of this section who performs such military service on or after August 2, 1990.

49.292. 1. Notwithstanding any other law to the contrary, the county commission of any
2 county may reject the transfer of title of real property to the county by donation or dedication
3 if the commission determines that such rejection is in the public interest of the county.

4 2. No transfer of title of real property to the county commission or any other political
5 subdivision by donation or dedication authorized to be recorded in the office of the recorder of
6 deeds shall be valid unless it has been proved or acknowledged. The preparer of the document
7 relating to subsection 1 of this section shall not submit a document to the recorder of deeds for
8 recording unless the acceptance thereof of the grantee named in the document has been proved
9 or acknowledged. **No water or sewer line easement shall be construed as a transfer of title**
10 **of real property under this subsection.**

57.278. 1. There is hereby created in the state treasury the "Deputy Sheriff Salary
2 **Supplementation Fund", which shall consist of money collected from charges for service**
3 **received by county sheriffs under subsection 4 of section 57.280. The money in the fund**
4 **shall be used solely to supplement the salaries, and employee benefits resulting from such**
5 **salary increases, of county deputy sheriffs. The state treasurer shall be custodian of the**
6 **fund and may approve disbursements from the fund in accordance with sections 30.170**
7 **and 30.180, RSMo. The Missouri sheriff methamphetamine relief taskforce created under**
8 **section 650.350, RSMo, shall administer the fund.**

9 2. **Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any**
10 **moneys remaining in the fund at the end of the biennium shall not revert to the credit of**
11 **the general revenue fund. The state treasurer shall invest moneys in the fund in the same**
12 **manner as other funds are invested. Any interest and moneys earned on such investments**
13 **shall be credited to the fund.**

57.280. 1. Sheriffs shall receive a charge for service of any summons, writ or other
2 order of court, in connection with any civil case, and making on the same either a return

3 indicating service, a non est return or a nulla bona return, the sum of twenty dollars for each item
4 to be served, except that a sheriff shall receive a charge for service of any subpoena, and making
5 a return on the same, the sum of ten dollars; however, no such charge shall be collected in any
6 proceeding when court costs are to be paid by the state, county or municipality. In addition to
7 such charge, the sheriff shall be entitled to receive for each mile actually traveled in serving any
8 summons, writ, subpoena or other order of court, the rate prescribed by the Internal Revenue
9 Service for all allowable expenses for motor vehicle use expressed as an amount per mile,
10 provided that such mileage shall not be charged for more than one subpoena or summons or
11 other writ served in the same cause on the same trip. All of such charges shall be received by
12 the sheriff who is requested to perform the service. Except as otherwise provided by law, all
13 charges made pursuant to this section shall be collected by the court clerk as court costs and are
14 payable prior to the time the service is rendered; provided that if the amount of such charge
15 cannot be readily determined, then the sheriff shall receive a deposit based upon the likely
16 amount of such charge, and the balance of such charge shall be payable immediately upon
17 ascertainment of the proper amount of said charge. A sheriff may refuse to perform any service
18 in any action or proceeding, other than when court costs are waived as provided by law, until
19 the charge provided by this section is paid. Failure to receive the charge shall not affect the
20 validity of the service.

21 2. The sheriff shall receive for receiving and paying moneys on execution or other
22 process, where lands or goods have been levied and advertised and sold, five percent on five
23 hundred dollars and four percent on all sums above five hundred dollars, and half of these sums,
24 when the money is paid to the sheriff without a levy, or where the lands or goods levied on shall
25 not be sold and the money is paid to the sheriff or person entitled thereto, his agent or attorney.
26 The party at whose application any writ, execution, subpoena or other process has issued from
27 the court shall pay the sheriff's costs for the removal, transportation, storage, safekeeping and
28 support of any property to be seized pursuant to legal process before such seizure. The sheriff
29 shall be allowed for each mile, going and returning from the courthouse of the county in which
30 he resides to the place where the court is held, the rate prescribed by the Internal Revenue
31 Service for all allowable expenses for motor vehicle use expressed as an amount per mile. The
32 provisions of this subsection shall not apply to garnishment proceeds.

33 3. The sheriff upon the receipt of the charge herein provided for shall pay into the
34 treasury of the county any and all charges received pursuant to the provisions of this section;
35 however, in any county, any funds, not to exceed fifty thousand dollars in any calendar year,
36 other than as a result of regular budget allocations or land sale proceeds, coming into the
37 possession of the sheriff's office, such as from the sale of recovered evidence, shall be held in
38 a fund established by the county treasurer, which may be expended at the discretion of the sheriff
39 for the furtherance of the sheriff's set duties. Any such funds in excess of fifty thousand dollars,

40 other than regular budget allocations or land sale proceeds, shall be placed to the credit of the
41 general revenue fund of the county. Moneys in the fund shall be used only for the procurement
42 of services and equipment to support the operation of the sheriff's office. Moneys in the fund
43 established pursuant to this subsection shall not lapse to the county general revenue fund at the
44 end of any county budget or fiscal year.

45 **4. Notwithstanding the provisions of subsection 3 of this section to the contrary, the**
46 **sheriff shall receive ten dollars for service of any summons, writ, subpoena, or other order**
47 **of the court included under subsection 1 of this section, in addition to the charge for such**
48 **service that each sheriff receives under subsection 1 of this section. The money received**
49 **by the sheriff under this subsection shall be paid into the county treasury and the county**
50 **treasurer shall make such money payable to the state treasurer. The state treasurer shall**
51 **deposit such moneys in the deputy sheriff salary supplementation fund created under**
52 **section 57.278.**

58.451. 1. When any person, in any county in which a coroner is required by section
2 58.010, dies and there is reasonable ground to believe that such person died as a result of:

3 (1) Violence by homicide, suicide, or accident;
4 (2) Criminal abortions, including those self-induced;
5 (3) Some unforeseen sudden occurrence and the deceased had not been attended by a
6 physician during the thirty-six-hour period preceding the death;
7 (4) In any unusual or suspicious manner;
8 (5) Any injury or illness while in the custody of the law or while an inmate in a public
9 institution; the police, sheriff, law enforcement officer or official, or any person having
10 knowledge of such a death shall immediately notify the coroner of the known facts concerning
11 the time, place, manner and circumstances of the death. Immediately upon receipt of
12 notification, the coroner or [his] deputy **coroner** shall take charge of the dead body and fully
13 investigate the essential facts concerning the medical causes of death, including whether by the
14 act of man, and the manner of death. [He] **The coroner or deputy coroner** may take the names
15 and addresses of witnesses to the death and shall file this information in [his] **the coroner's**
16 office. The coroner or [his] deputy **coroner** shall take possession of all property of value found
17 on the body, making exact inventory of such property on [his] **the** report and shall direct the
18 return of such property to the person entitled to its custody or possession. The coroner or [his]
19 deputy **coroner** shall take possession of any object or article which, in [his] **the coroner or the**
20 **deputy coroner's** opinion, may be useful in establishing the cause of death, and deliver it to the
21 prosecuting attorney of the county.

22 2. When a death occurs outside a licensed health care facility, the first licensed medical
23 professional or law enforcement official learning of such death shall **immediately** contact the
24 county coroner. Immediately upon receipt of such notification, the coroner or the coroner's

25 deputy shall make the determination if further investigation is necessary, based on information
26 provided by the individual contacting the coroner, and immediately advise such individual of
27 the coroner's intentions.

28 3. Upon taking charge of the dead body and before moving the body the coroner shall
29 notify the police department of any city in which the dead body is found, or if the dead body is
30 found in the unincorporated area of a county governed by the provisions of sections 58.451 to
31 58.457, the coroner shall notify the county sheriff [and] **or** the highway patrol and cause the
32 body to remain unmoved until the police department, sheriff or the highway patrol has inspected
33 the body and the surrounding circumstances and carefully noted the appearance, the condition
34 and position of the body and recorded every fact and circumstance tending to show the cause and
35 manner of death, with the names and addresses of all known witnesses, and shall subscribe the
36 same and make such record a part of [his] **the coroner's** report.

37 4. In any case of sudden, violent or suspicious death after which the body was buried
38 without any investigation or autopsy, the coroner, upon being advised of such facts, may at [his]
39 **the coroner's** own discretion request that the prosecuting attorney apply for a court order
40 requiring the body to be exhumed.

41 5. The coroner [shall] **may** certify the cause of death in any case [under his charge]
42 **where death occurred without medical attendance or where an attending physician refuses**
43 **to sign a certificate of death or** when a physician is unavailable to sign a certificate of death.

44 6. When the cause of death is established by the coroner, [he] **the coroner** shall file a
45 copy of [his] **the** findings in [his] **the coroner's** office within thirty days.

46 7. If on view of the dead body and after personal inquiry into the cause and manner of
47 death, the coroner determines that a further examination is necessary in the public interest, the
48 coroner on [his] **the coroner's** own authority may make or cause to be made an autopsy on the
49 body. The coroner may on [his] **the coroner's** own authority employ the services of a
50 pathologist, chemist, or other expert to aid in the examination of the body or of substances
51 supposed to have caused or contributed to death, and if the pathologist, chemist, or other expert
52 is not already employed by the city or county for the discharge of such services, [he] **the**
53 **pathologist, chemist, or other expert** shall, upon written authorization of the coroner, be
54 allowed reasonable compensation, payable by the city or county, in the manner provided in
55 section 58.530. The coroner shall, at the time of the autopsy, record or cause to be recorded each
56 fact and circumstance tending to show the condition of the body and the cause and manner of
57 death.

58 8. If on view of the dead body and after personal inquiry into the cause and manner of
59 death, the coroner considers a further inquiry and examination necessary in the public interest,
60 [he] **the coroner** shall make out [his] **the coroner's** warrant directed to the sheriff of the city
61 or county requiring [him] **the sheriff** forthwith to summon six good and lawful citizens of the

62 county to appear before the coroner, at the time and place expressed in the warrant, and to
63 inquire how and by whom the deceased [came to his death] **died**.

64 9. (1) When a person is being transferred from one county to another county for
65 medical treatment and such person dies while being transferred, **or dies while being treated in**
66 **the emergency room of the receiving facility** the [county from] **place** which the person is [first
67 removed] **determined to be dead** shall be considered the place of death and the county coroner
68 **or medical examiner** of the county from which the person was **originally** being transferred
69 shall be responsible for **determining the cause and manner of death** for the **Missouri**
70 certificate of death [and for investigating the cause and manner of the death. If] .

71 (2) The coroner or medical examiner in the county in which the person [died believes
72 that further investigation is warranted and a postmortem examination is needed, such coroner
73 or medical examiner shall have the right to further investigate and perform the postmortem
74 examination] **is determined to be dead may with authorization of the coroner or medical**
75 **examiner from the original transferring county, investigate and conduct postmortem**
76 **examinations** at the expense of [such] **the** coroner or medical examiner [and shall be] **from the**
77 **original transferring county. The coroner or medical examiner from the original**
78 **transferring county shall be** responsible for **investigating the circumstances of such and**
79 **completing the Missouri** certificate of death [and for investigating the cause and manner of the
80 death]. **The certificate of death shall be filed in the county where the deceased was**
81 **pronounced dead.**

82 (3) Such coroner or medical examiner **of the county where a person is determined to**
83 **be dead** shall immediately notify the coroner or medical examiner of the county from which the
84 person was **originally** being transferred of the death of such person [and after an investigation
85 is completed shall notify such coroner or medical examiner of his findings] , **and shall make**
86 **available information and records obtained for investigation of the death.**

87 (4) If a person does not die while being transferred and is institutionalized **as a**
88 **regularly admitted patient** after such transfer and subsequently dies while in such institution,
89 the coroner or medical examiner of the county in which the person [dies] **is determined to be**
90 **dead** shall immediately notify the coroner or medical examiner of the county from which such
91 person was **originally** transferred of the death of such person. In such cases, the county in which
92 the deceased was institutionalized shall be considered the place of death. **If the manner of**
93 **death is by homicide, suicide, accident, criminal abortion including those that are self-**
94 **induced, child fatality, or any unusual or suspicious manner, the investigation of the cause**
95 **and manner of death shall revert to the county of origin, and this coroner or medical**
96 **examiner shall be responsible for the Missouri certificate of death. The certificate of death**
97 **shall be filed in the county where the deceased was pronounced dead.**

10. There shall not be any statute of limitations or time limits on the cause of death when death is the final result or determined to be caused by homicide, suicide, accident, child fatality, criminal abortion including those self-induced, or any unusual or suspicious manner. The place of death shall be the place in which the person is determined to be dead. The final investigation of death in determining the cause and matter of death shall revert to the county of origin, and the coroner or medical examiner of such county shall be responsible for the Missouri certificate of death. The certificate of death shall be filed in the county where the deceased was pronounced dead.

[10.] 11. Except as provided in subsection 9 of this section, if a person dies in one county and [his] the body is subsequently transferred to another county, for burial or other reasons, the county coroner or medical examiner where the death occurred shall be responsible for the certificate of death and for investigating the cause and manner of the death.

[11.] 12. In performing [his] the duties, the coroner or medical examiner shall make reasonable efforts to accommodate organ and tissue donation.

58.720. 1. When any person dies within a county having a medical examiner as a result of:

- (1) Violence by homicide, suicide, or accident;
- (2) Thermal, chemical, electrical, or radiation injury;
- (3) Criminal abortions, including those self-induced;
- (4) Disease thought to be of a hazardous and contagious nature or which might constitute a threat to public health; or when any person dies:
 - (a) Suddenly when in apparent good health;
 - (b) When unattended by a physician, chiropractor, or an accredited Christian Science practitioner, during the period of thirty-six hours immediately preceding his death;
 - (c) While in the custody of the law, or while an inmate in a public institution;
 - (d) In any unusual or suspicious manner;

the police, sheriff, law enforcement officer or official, or any person having knowledge of such a death shall immediately notify the office of the medical examiner of the known facts concerning the time, place, manner and circumstances of the death.

Immediately upon receipt of notification, the medical examiner or his designated assistant shall take charge of the dead body and fully investigate the essential facts concerning the medical causes of death. He may take the names and addresses of witnesses to the death and shall file this information in his office. The medical examiner or his designated assistant shall take possession of all property of value found on the body, making exact inventory thereof on his report and shall direct the return of such property to the person entitled to its custody or possession. The medical examiner or his designated assistant examiner shall take possession of

23 any object or article which, in his opinion, may be useful in establishing the cause of death, and
24 deliver it to the prosecuting attorney of the county.

25 2. When a death occurs outside a licensed health care facility, the first licensed medical
26 professional or law enforcement official learning of such death shall contact the county medical
27 examiner. Immediately upon receipt of such notification, the medical examiner or the medical
28 examiner's deputy shall make a determination if further investigation is necessary, based on
29 information provided by the individual contacting the medical examiner, and immediately advise
30 such individual of the medical examiner's intentions.

31 3. In any case of sudden, violent or suspicious death after which the body was buried
32 without any investigation or autopsy, the medical examiner, upon being advised of such facts,
33 may at his own discretion request that the prosecuting attorney apply for a court order requiring
34 the body to be exhumed.

35 4. The medical examiner shall certify the cause of death in any case where death
36 occurred without medical attendance or where an attending physician refuses to sign a certificate
37 of death, and may sign a certificate of death in the case of any death.

38 5. When the cause of death is established by the medical examiner, he shall file a copy
39 of his findings in his office within thirty days after notification of the death.

40 6. **(1)** When a person is being transferred from one county to another county for medical
41 treatment and such person dies while being transferred, **or dies while being treated in the**
42 **emergency room of the receiving facility**, the [county from] **place** which the person is [first
43 removed] **determined to be dead** shall be considered the place of death and **the county coroner**
44 **or** the medical examiner of the county from which the person was **originally** being transferred
45 shall be responsible for **determining the cause and manner of death for the Missouri**
46 **certificate of death** [and for investigating the cause and manner of the death. If] .

47 **(2)** The coroner or medical examiner in the county in which the person [died believes
48 that further investigation is warranted and a postmortem examination is needed, such coroner
49 or medical examiner shall have the right to further investigate and perform the postmortem
50 examination] **is determined to be dead may, with authorization of the coroner or medical**
51 **examiner from the transferring county, investigate and conduct postmortem examinations**
52 at the expense of [such] **the** coroner or medical examiner [and shall be responsible for the
53 certificate of death and for investigating the cause and manner of the death] **from the**
54 **transferring county. The coroner or medical examiner from the transferring county, shall**
55 **be responsible for investigating the circumstances of such and completing the Missouri**
56 **certificate of death. The certificate of death shall be filed in the county where the deceased**
57 **was pronounced dead.**

58 **(3)** Such coroner or medical examiner, **or the county where a person is determined**
59 **to be dead**, shall immediately notify the coroner or medical examiner of the county from which

60 the person was **originally** being transferred of the death of such person [and after an
61 investigation is completed shall notify such coroner or medical examiner of his findings] **and**
62 **shall make available information and records obtained for investigation of death.**

63 **(4)** If a person does not die while being transferred and is institutionalized **as a**
64 **regularly admitted patient** after such transfer and subsequently dies while in such institution,
65 the coroner or medical examiner of the county in which the person [dies] **is determined to be**
66 **dead** shall immediately notify the coroner or medical examiner of the county from which such
67 person was **originally** transferred of the death of such person. In such cases, the county in which
68 the deceased was institutionalized shall be considered the place of death. **If the manner of**
69 **death is by homicide, suicide, accident, criminal abortion including those that are self-**
70 **induced, child fatality, or any unusual or suspicious manner, the investigation of the cause**
71 **and manner of death shall revert to the county of origin, and this coroner or medical**
72 **examiner shall be responsible for the Missouri certificate of death. The certificate of death**
73 **shall be filed in the county where the deceased was pronounced dead.**

74 **7.** There shall not be any statute of limitations or time limits on cause of death when
75 **death is the final result or determined to be caused by homicide, suicide, accident, criminal**
76 **abortion, including those self-induced, child fatality, or any unusual or suspicious manner.**
77 **The place of death shall be the place in which the person is determined to be dead, but the**
78 **final investigation of death determining the cause and manner of death shall revert to the**
79 **county of origin, and this coroner or medical examiner shall be responsible for the**
80 **Missouri certificate of death. The certificate of death shall be filed in the county where the**
81 **deceased was pronounced dead.**

82 **[7.] 8.** Except as provided in subsection 6 of this section, if a person dies in one county
83 and [his] **the** body is subsequently transferred to another county, **for burial or other reasons,**
84 the county coroner or medical examiner where the death occurred shall be responsible for the
85 certificate of death and for investigating the cause and manner of the death.

86 **[8.] 9.** In performing [his] **the** duties, the coroner or medical examiner shall make
87 reasonable efforts to accommodate organ **and tissue** donation.

71.1000. Notwithstanding any other provision of law to the contrary, if the
2 **governing body of any municipality finds it is in the public interest that a parcel of land**
3 **that is contiguous and compact to the existing corporate limits of the municipality and**
4 **located in an unincorporated area of the county, which is used as a research park, should**
5 **be located in the municipality, such municipality may annex such parcel, provided that the**
6 **municipality obtains the written consent of all the property owners located within the**
7 **unincorporated area of such parcel. Further, both such municipality and county shall**
8 **adopt reciprocal ordinances authorizing the annexation of such parcel by the municipality.**
9 **For the purposes of this section, the term "research park" shall mean an area consisting**

10 **of not less than two hundred acres developed by a university to be used exclusively by**
11 **technology-intensive and research-based companies as a business location.**

137.122. 1. As used in this section, the following terms mean:

2 (1) "Business personal property", tangible personal property which is used in a trade or
3 business or used for production of income and which has a determinable life of longer than one
4 year except that supplies used by a business shall also be considered business personal property,
5 but shall not include livestock, farm machinery, grain and other agricultural crops in an
6 unmanufactured condition, property subject to the motor vehicle registration provisions of
7 chapter 301, RSMo, property assessed under section 137.078, the property of rural electric
8 cooperatives under chapter 394, RSMo, or property assessed by the state tax commission under
9 chapters 151, 153, and 155, RSMo, section 137.022, and sections 137.1000 to 137.1030;

10 (2) "Class life", the class life of property as set out in the federal Modified Accelerated
11 Cost Recovery System life tables or their successors under the Internal Revenue Code as
12 amended;

13 (3) "Economic or functional obsolescence", a loss in value of personal property above
14 and beyond physical deterioration and age of the property. Such loss may be the result of
15 economic or functional obsolescence or both;

16 (4) "Original cost", the price the current owner, the taxpayer, paid for the item without
17 freight, installation, or sales or use tax. In the case of acquisition of items of personal property
18 as part of an acquisition of an entity, the original cost shall be the historical cost of those assets
19 remaining in place and in use and the placed in service date shall be the date of acquisition by
20 the entity being acquired;

21 (5) "Placed in service", property is placed in service when it is ready and available for
22 a specific use, whether in a business activity, an income-producing activity, a tax-exempt
23 activity, or a personal activity. Even if the property is not being used, the property is in service
24 when it is ready and available for its specific use;

25 (6) "Recovery period", the period over which the original cost of depreciable tangible
26 personal property shall be depreciated for property tax purposes and shall be the same as the
27 recovery period allowed for such property under the Internal Revenue Code.

28 2. To establish uniformity in the assessment of depreciable tangible personal property,
29 each assessor shall use the standardized schedule of depreciation in this section to determine the
30 assessed valuation of depreciable tangible personal property for the purpose of estimating the
31 value of such property subject to taxation under this chapter.

32 3. For purposes of this section, and to estimate the value of depreciable tangible personal
33 property for mass appraisal purposes, each assessor shall value depreciable tangible personal
34 property by applying the class life and recovery period to the original cost of the property
35 according to the following depreciation schedule. The percentage shown for the first year shall

36 be the percentage of the original cost used for January first of the year following the year of
 37 acquisition of the property, and the percentage shown for each succeeding year shall be the
 38 percentage of the original cost used for January first of the respective succeeding year as
 39 follows:

40	Year	Recovery Period in Years					
41		3	5	7	10	15	20
42	1	75.00	85.00	89.29	92.50	95.00	96.25
43	2	37.50	59.50	70.16	78.62	85.50	89.03
44	3	12.50	41.65	55.13	66.83	76.95	82.35
45	4	5.00	24.99	42.88	56.81	69.25	76.18
46	5		10.00	30.63	48.07	62.32	70.46
47	6			18.38	39.33	56.09	65.18
48	7			10.00	30.59	50.19	60.29
49	8				21.85	44.29	55.77
50	9				15.00	38.38	51.31
51	10					32.48	46.85
52	11					26.57	42.38
53	12					20.67	37.92
54	13					15.00	33.46
55	14						29.00
56	15						24.54
57	16						20.08
58	17						20.00

59

60 Depreciable tangible personal property in all recovery periods shall continue in subsequent years
 61 to have the depreciation factor last listed in the appropriate column so long as it is owned or held
 62 by the taxpayer. The state tax commission shall study and analyze the values established by this
 63 method of assessment and in every odd-numbered year make recommendations to the joint
 64 committee on tax policy pertaining to any changes in this methodology, if any, that are
 65 warranted.

66 4. Such estimate of value determined under this section shall be presumed to be correct
 67 for the purpose of determining the true value in money of the depreciable tangible personal
 68 property, but such estimation may be disproved by substantial and persuasive evidence of the
 69 true value in money under any method determined by the state tax commission to be correct,
 70 including, but not limited to, an appraisal of the tangible personal property specifically utilizing
 71 generally accepted appraisal techniques, and contained in a narrative appraisal report in
 72 accordance with the Uniform Standards of Professional Appraisal Practice or by proof of

73 economic or functional obsolescence or evidence of excessive physical deterioration. For
74 purposes of appeal of the provisions of this section, the salvage or scrap value of depreciable
75 tangible personal property may only be considered if the property is not in use as of the
76 assessment date.

77 5. This section shall not apply to business personal property placed in service before
78 January 2, 2006. **Nothing in this section shall be construed to create a presumption as to**
79 **the proper method of determining the assessed valuation of business personal property**
80 **placed in service before January 2, 2006.**

81 6. The provisions of this section are not intended to modify the definition of tangible
82 personal property as defined in section 137.010.

167.031. 1. Every parent, guardian or other person in this state having charge, control
2 or custody of a child not enrolled in a public, private, parochial, parish school or full-time
3 equivalent attendance in a combination of such schools and between the ages of seven years and
4 the compulsory attendance age for the district is responsible for enrolling the child in a program
5 of academic instruction which complies with subsection 2 of this section. Any parent, guardian
6 or other person who enrolls a child between the ages of five and seven years in a public school
7 program of academic instruction shall cause such child to attend the academic program on a
8 regular basis, according to this section. Nonattendance by such child shall cause such parent,
9 guardian or other responsible person to be in violation of the provisions of section 167.061,
10 except as provided by this section. A parent, guardian or other person in this state having
11 charge, control, or custody of a child between the ages of seven years of age and the compulsory
12 attendance age for the district shall cause the child to attend regularly some public, private,
13 parochial, parish, home school or a combination of such schools not less than the entire school
14 term of the school which the child attends; except that:

15 (1) A child who, to the satisfaction of the superintendent of public schools of the district
16 in which he resides, or if there is no superintendent then the chief school officer, is determined
17 to be mentally or physically incapacitated may be excused from attendance at school for the full
18 time required, or any part thereof;

19 (2) A child between fourteen years of age and the compulsory attendance age for the
20 district may be excused from attendance at school for the full time required, or any part thereof,
21 by the superintendent of public schools of the district, or if there is none then by a court of
22 competent jurisdiction, when legal employment has been obtained by the child and found to be
23 desirable, and after the parents or guardian of the child have been advised of the pending action;
24 or

25 (3) A child between five and seven years of age shall be excused from attendance at
26 school if a parent, guardian or other person having charge, control or custody of the child makes
27 a written request that the child be dropped from the school's rolls.

28 2. (1) As used in sections 167.031 to 167.071, a "home school" is a school, whether
29 incorporated or unincorporated, that:

30 (a) Has as its primary purpose the provision of private or religious-based instruction;

31 (b) Enrolls pupils between the ages of seven years and the compulsory attendance age
32 for the district, of which no more than four are unrelated by affinity or consanguinity in the third
33 degree; and

34 (c) Does not charge or receive consideration in the form of tuition, fees, or other
35 remuneration in a genuine and fair exchange for provision of instruction.

36 (2) As evidence that a child is receiving regular instruction, the parent shall, except as
37 otherwise provided in this subsection:

38 (a) Maintain the following records:

39 a. A plan book, diary, or other written record indicating subjects taught and activities
40 engaged in; and

41 b. A portfolio of samples of the child's academic work; and

42 c. A record of evaluations of the child's academic progress; or

43 d. Other written, or credible evidence equivalent to subparagraphs a., b. and c.; and

44 (b) Offer at least one thousand hours of instruction, at least six hundred hours of which
45 will be in reading, language arts, mathematics, social studies and science or academic courses
46 that are related to the aforementioned subject areas and consonant with the pupil's age and
47 ability. At least four hundred of the six hundred hours shall occur at the regular home school
48 location.

49 (3) The requirements of subdivision (2) of this subsection shall not apply to any pupil
50 above the age of sixteen years.

51 3. Nothing in this section shall require a private, parochial, parish or home school to
52 include in its curriculum any concept, topic, or practice in conflict with the school's religious
53 doctrines or to exclude from its curriculum any concept, topic, or practice consistent with the
54 school's religious doctrines. Any other provision of the law to the contrary notwithstanding, all
55 departments or agencies of the state of Missouri shall be prohibited from dictating through rule,
56 regulation or other device any statewide curriculum for private, parochial, parish or home
57 schools.

58 4. A school year begins on the first day of July and ends on the thirtieth day of June
59 following.

60 5. The production by a parent of a daily log showing that a home school has a course of
61 instruction which satisfies the requirements of this section or, in the case of a pupil over the age
62 of sixteen years who attended a metropolitan school district the previous year, a written
63 statement that the pupil is attending home school in compliance with this section shall be a

64 defense to any prosecution under this section and to any charge or action for educational neglect
65 brought pursuant to chapter 210, RSMo.

66 6. As used in sections 167.031 to 167.051, the term "compulsory attendance age for the
67 district" shall mean:

68 (1) Seventeen years of age for any metropolitan school district for which the school
69 board adopts a resolution to establish such compulsory attendance age; provided that such
70 resolution shall take effect no earlier than the school year next following the school year during
71 which the resolution is adopted; and

72 (2) Sixteen years of age in all other cases.
73

74 The school board of a metropolitan school district for which the compulsory attendance age is
75 seventeen years may adopt a resolution to lower the compulsory attendance age to sixteen years;
76 provided that such resolution shall take effect no earlier than the school year next following the
77 school year during which the resolution is adopted.

78 [7. The provisions of this section shall apply to any parent, guardian, or other person in
79 this state having charge, control, or custody of a child between the ages of fifteen and eighteen
80 if such child has not received a high school diploma or its equivalent and a court order has been
81 issued as to such child under section 211.034, RSMo.]

168.133. 1. The school district shall ensure that a criminal background check is
2 conducted on any person employed after January 1, 2005, authorized to have contact with pupils
3 and prior to the individual having contact with any pupil. Such persons include, but are not
4 limited to, administrators, teachers, aides, paraprofessionals, assistants, secretaries, custodians,
5 cooks, and nurses. The school district shall also ensure that a criminal background check is
6 conducted for school bus drivers. The district may allow such drivers to operate buses pending
7 the result of the criminal background check. For bus drivers, the background check shall be
8 conducted on drivers employed by the school district or employed by a pupil transportation
9 company under contract with the school district.

10 2. In order to facilitate the criminal history background check on any person employed
11 after January 1, 2005, the applicant shall submit two sets of fingerprints collected pursuant to
12 standards determined by the Missouri highway patrol. One set of fingerprints shall be used by
13 the highway patrol to search the criminal history repository and the family care safety registry
14 pursuant to sections 210.900 to 210.936, RSMo, and the second set shall be forwarded to the
15 Federal Bureau of Investigation for searching the federal criminal history files.

16 3. The applicant shall pay the fee for the state criminal history record information
17 pursuant to section 43.530, RSMo, and sections 210.900 to 210.936, RSMo, and pay the
18 appropriate fee determined by the Federal Bureau of Investigation for the federal criminal
19 history record when he or she applies for a position authorized to have contact with pupils

20 pursuant to this section. The department shall distribute the fees collected for the state and
21 federal criminal histories to the Missouri highway patrol.

22 4. The school district may adopt a policy to provide for reimbursement of expenses
23 incurred by an employee for state and federal criminal history information pursuant to section
24 43.530, RSMo.

25 5. If, as a result of the criminal history background check mandated by this section, it
26 is determined that the holder of a certificate issued pursuant to section 168.021 has pled guilty
27 or nolo contendere to, or been found guilty of a crime or offense listed in section 168.071, or a
28 similar crime or offense committed in another state, the United States, or any other country,
29 regardless of imposition of sentence, such information shall be reported to the department of
30 elementary and secondary education.

31 6. Any school official making a report to the department of elementary and secondary
32 education in conformity with this section shall not be subject to civil liability for such action.

33
34 7. For any teacher who is employed by a school district on a substitute or part-time basis
35 within one year of such teacher's retirement from a Missouri school, the state of Missouri shall
36 not require such teacher to be subject to any additional background checks prior to having
37 contact with pupils. Nothing in this subsection shall be construed as prohibiting or otherwise
38 restricting a school district from requiring additional background checks for such teachers
39 employed by the school district.

40 8. **A criminal background check and fingerprint collection conducted under**
41 **subsections 1 and 2 of this section shall be valid for at least a period of one year and**
42 **transferrable from one school district to another district. A teacher's change in type of**
43 **certification shall have no effect on the transferability of such records.**

44 9. Nothing in this section shall be construed to alter the standards for suspension, denial,
45 or revocation of a certificate issued pursuant to this chapter.

46 [9.] 10. The state board of education may promulgate rules for criminal history
47 background checks made pursuant to this section. Any rule or portion of a rule, as that term is
48 defined in section 536.010, RSMo, that is created under the authority delegated in this section
49 shall become effective only if it complies with and is subject to all of the provisions of chapter
50 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo,
51 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter
52 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are
53 subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed
54 or adopted after January 1, 2005, shall be invalid and void.

191.225. 1. [The department of health and senior services shall make payments to appropriate medical providers, out of appropriations made for that purpose, to cover the charges of the forensic examination of persons who may be a victim of a sexual offense if:

(1) The victim or the victim's guardian consents in writing to the examination;

(2) The report of the examination is made on a form approved by the attorney general with the advice of the department of health and senior services; and

(3) The report of the examination is filed with the prosecuting attorney of the county in which the alleged incident occurred.] **For purposes of this section, the following terms mean:**

(1) "Appropriate medical provider", any licensed nurse, physician, or physician assistant, and any institution employing licensed nurses, physicians, or physician assistants; provided that such licensed professionals are the only persons at such institution to perform tasks under the provisions of this section;

(2) "Evidentiary collection kit", a kit used during a forensic examination that includes materials necessary for appropriate medical providers to gather evidence in accordance with the forms and procedures developed by the attorney general for forensic examinations;

(3) "Forensic examination", an examination performed by an appropriate medical provider on a victim of an alleged offense included under chapter 566, RSMo, to gather and collect forensic evidence;

(4) "Medical treatment", the treatment of all injuries and health concerns resulting directly from a patient's sexual assault or victimization.

2. The appropriate medical provider shall file [the] **a forensic report of the examination [within three business days of completion of the forensic exam] with the prosecuting attorney of the county in which the alleged offense occurred.**

[2.] 3. A minor may consent to examination under this section. Such consent is not subject to disaffirmance because of minority, and consent of parent or guardian of the minor is not required for such examination. The appropriate medical provider making the examination shall give written notice to the parent or guardian of a minor that such an examination has taken place. **If the appropriate medical provider reasonably believes the offender could be a parent or guardian of the victim and the victim is a minor under the age of eighteen, the medical provider shall only be required to provide written notice to the nonoffending parent or guardian of the examination.**

[3.] 4. The attorney general, with the advice of the department of health and senior services, shall develop the forms and procedures for gathering evidence during the forensic examination under the provisions of this section. The department of health and senior services shall develop a checklist **and evidentiary collection kit, when appropriate,** for appropriate medical providers to refer to while providing medical treatment to victims of a sexual offense.

38 [4.] 5. Evidentiary collection kits shall be developed and made available, subject to
39 appropriation, to appropriate medical providers by the highway patrol or its designees and
40 eligible crime laboratories. Such kits shall be distributed with the forms and procedures for
41 gathering evidence during forensic examinations of victims of a sexual offense to appropriate
42 medical providers upon request of the provider, in the amount requested, and at no charge to the
43 medical provider. All appropriate medical providers shall, with the written consent of the
44 victim, perform a forensic examination using the evidentiary collection kit and forms and
45 procedures for gathering evidence following the checklist for any person presenting as a victim
46 of a sexual offense.

47 [5.] 6. All [appropriate medical provider charges] **costs** for eligible forensic
48 examinations **performed by appropriate medical providers** shall be billed to and paid by the
49 department of [health and senior services] **public safety as provided in section 595.107,**
50 **RSMo.** No appropriate medical provider conducting forensic examinations and providing
51 medical treatment to victims of sexual offenses shall charge the victim for the forensic
52 examination. For appropriate medical provider charges related to the medical treatment of
53 victims of sexual offenses, if the victim is an eligible claimant under the crime victims'
54 compensation fund, the appropriate medical provider shall seek compensation under sections
55 595.010 to 595.075, RSMo. [6. For purposes of this section, the following terms mean:

56 (1) "Appropriate medical provider", any licensed nurse, physician, or physician assistant,
57 and any institution employing licensed nurses, physicians, or physician assistants; provided that
58 such licensed professionals are the only persons at such institution to perform tasks under the
59 provisions of this section;

60 (2) "Evidentiary collection kit", a kit used during a forensic examination that includes
61 materials necessary for appropriate medical providers to gather evidence in accordance with the
62 forms and procedures developed by the attorney general for forensic examinations;

63 (3) "Forensic examination", an examination performed by an appropriate medical
64 provider on a victim of an alleged sexual offense to gather evidence for the evidentiary
65 collection kit;

66 (4) "Medical treatment", the treatment of all injuries and health concerns resulting
67 directly from a patient's sexual assault or victimization.]

194.119. 1. As used in this section, the term "right of sepulcher" means the right to
2 choose and control the burial, cremation, or other final disposition of a dead human body.

3 2. For purposes of this chapter and chapters 193, 333, and 436, RSMo, and in all cases
4 relating to the custody, control, and disposition of deceased human remains, including the
5 common law right of sepulcher, where not otherwise defined, the term "next-of-kin" means the
6 following persons in the priority listed if such person is eighteen years of age or older, is
7 mentally competent, and is willing to assume responsibility for the costs of disposition:

8 (1) **An attorney in fact designated in a durable power of attorney wherein the**
9 **deceased specifically granted the right of sepulcher over his or her body to such attorney**
10 **in fact;**

11 (2) The surviving spouse;

12 [(2)] (3) Any surviving child of the deceased. If a surviving child is less than eighteen
13 years of age and has a legal or natural guardian, such child shall not be disqualified on the basis
14 of the child's age and such child's legal or natural guardian, if any, shall be entitled to serve in
15 the place of the child unless such child's legal or natural guardian was subject to an action in
16 dissolution from the deceased. In such event the person or persons who may serve as next-of-kin
17 shall serve in the order provided in subdivisions [(3)] (4) to (8) of this subsection;

18 [(3)] (4) (a) Any surviving parent of the deceased; or

19 (b) If the deceased is a minor, a surviving parent who has custody of the minor; or

20 (c) If the deceased is a minor and the deceased's parents have joint custody, the parent
21 whose residence is the minor child's residence for purposes of mailing and education;

22 [(4)] (5) Any surviving sibling of the deceased;

23 [(5)] Any person designated by the deceased to act as next-of-kin pursuant to a valid
24 designation of right of sepulcher as provided in subsection 8 of this section;]

25 (6) The next nearest surviving relative of the deceased by consanguinity or affinity;

26 (7) Any person or friend who assumes financial responsibility for the disposition of the
27 deceased's remains if no next-of-kin assumes such responsibility;

28 (8) The county coroner or medical examiner; provided however that such assumption
29 of responsibility shall not make the coroner, medical examiner, the county, or the state
30 financially responsible for the cost of disposition.

31 3. The next-of-kin of the deceased shall be entitled to control the final disposition of the
32 remains of any dead human being consistent with all applicable laws, including all applicable
33 health codes.

34 4. A funeral director or establishment is entitled to rely on and act according to the
35 lawful instructions of any person claiming to be the next-of-kin of the deceased; provided
36 however, in any civil cause of action against a funeral director or establishment licensed
37 pursuant to this chapter for actions taken regarding the funeral arrangements for a deceased
38 person in the director's or establishment's care, the relative fault, if any, of such funeral director
39 or establishment may be reduced if such actions are taken in reliance upon a person's claim to
40 be the deceased person's next-of-kin.

41 5. Any person who desires to exercise the right of sepulcher and who has knowledge of
42 an individual or individuals with a superior right to control disposition shall notify such
43 individual or individuals prior to making final arrangements.

44 6. If an individual with a superior claim is personally served with written notice from
45 a person with an inferior claim that such person desires to exercise the right of sepulcher and the
46 individual so served does not object within forty-eight hours of receipt, such individual shall be
47 deemed to have waived such right. An individual with a superior right may also waive such
48 right at any time if such waiver is in writing and dated.

49 7. If there is more than one person in a class who are equal in priority and the funeral
50 director has no knowledge of any objection by other members of such class, the funeral director
51 or establishment shall be entitled to rely on and act according to the instructions of the first such
52 person in the class to make arrangements; provided that such person assumes responsibility for
53 the costs of disposition and no other person in such class provides written notice of his or her
54 objection.

55 [8. Any person may designate an individual to be his or her closest next-of-kin,
56 regardless of blood or marital relationship, by means of a written instrument that is signed,
57 dated, and verified. Such designation of right of sepulcher shall be witnessed by two persons,
58 and shall contain the names and last known address of each person entitled to be next-of-kin but
59 for the execution of the designation of right of sepulcher and who are higher in priority than the
60 person so designated.]

195.017. 1. The department of health and senior services shall place a substance in
2 Schedule I if it finds that the substance:

3 (1) Has high potential for abuse; and

4 (2) Has no accepted medical use in treatment in the United States or lacks accepted
5 safety for use in treatment under medical supervision.

6 2. Schedule I:

7 (1) The controlled substances listed in this subsection are included in Schedule I;

8 (2) Any of the following opiates, including their isomers, esters, ethers, salts, and salts
9 of isomers, esters, and ethers, unless specifically excepted, whenever the existence of these
10 isomers, esters, ethers and salts is possible within the specific chemical designation:

11 (a) Acetyl-alpha-methylfentanyl;

12 (b) Acetylmethadol;

13 (c) Allylprodine;

14 (d) Alphacetylmethadol;

15 (e) Alphameprodine;

16 (f) Alphamethadol;

17 (g) Alpha-methylfentanyl;

18 (h) Alpha-methylthiofentanyl;

19 (i) Benzethidine;

20 (j) Betacetylmethadol;

- 21 (k) Beta-hydroxyfentanyl;
- 22 (l) Beta-hydroxy-3-methylfentanyl;
- 23 (m) Betameprodine;
- 24 (n) Betamethadol;
- 25 (o) Betaprodine;
- 26 (p) Clonitazene;
- 27 (q) Dextromoramide;
- 28 (r) Diampromide;
- 29 (s) Diethylthiambutene;
- 30 (t) Difenoxin;
- 31 (u) Dimenoxadol;
- 32 (v) Dimepheptanol;
- 33 (w) Dimethylthiambutene;
- 34 (x) Dioxaphetyl butyrate;
- 35 (y) Dipipanone;
- 36 (z) Ethylmethylthiambutene;
- 37 (aa) Etonitazene;
- 38 (bb) Etoxidine;
- 39 (cc) Furethidine;
- 40 (dd) Hydroxypethidine;
- 41 (ee) Ketobemidone;
- 42 (ff) Levomoramide;
- 43 (gg) Levophenacymorphan;
- 44 (hh) 3-Methylfentanyl;
- 45 (ii) 3-Methylthiofentanyl;
- 46 (jj) Morpheridine;
- 47 (kk) MPPP;
- 48 (ll) Noracymethadol;
- 49 (mm) Norlevorphanol;
- 50 (nn) Normethadone;
- 51 (oo) Norpipanone;
- 52 (pp) Para-fluorofentanyl;
- 53 (qq) PEPAP;
- 54 (rr) Phenadoxone;
- 55 (ss) Phenampromide;
- 56 (tt) Phenomorphan;
- 57 (uu) Phenoperidine;

- 58 (vv) Piritramide;
- 59 (ww) Proheptazine;
- 60 (xx) Properidine;
- 61 (yy) Propiram;
- 62 (zz) Racemoramide;
- 63 (aaa) Thiofentanyl;
- 64 (bbb) Tilidine;
- 65 (ccc) Trimeperidine;

66 (3) Any of the following opium derivatives, their salts, isomers and salts of isomers
67 unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers
68 is possible within the specific chemical designation:

- 69 (a) Acetorphine;
- 70 (b) Acetyldihydrocodeine;
- 71 (c) Benzylmorphine;
- 72 (d) Codeine methylbromide;
- 73 (e) Codeine-N-Oxide;
- 74 (f) Cyprenorphine;
- 75 (g) Desomorphine;
- 76 (h) Dihydromorphine;
- 77 (i) Drotebanol;
- 78 (j) Etorphine; (except Hydrochloride Salt);
- 79 (k) Heroin;
- 80 (l) Hydromorphenol;
- 81 (m) Methyldesorphine;
- 82 (n) Methyldihydromorphine;
- 83 (o) Morphine methylbromide;
- 84 (p) Morphine methyl sulfonate;
- 85 (q) Morphine-N-Oxide;
- 86 (r) Morphine;
- 87 (s) Nicocodeine;
- 88 (t) Nicomorphine;
- 89 (u) Normorphine;
- 90 (v) Pholcodine;
- 91 (w) Thebacon;

92 (4) Any material, compound, mixture or preparation which contains any quantity of the
93 following hallucinogenic substances, their salts, isomers and salts of isomers, unless specifically

94 excepted, whenever the existence of these salts, isomers, and salts of isomers is possible within
95 the specific chemical designation:

- 96 (a) 4-bromo-2,5-dimethoxyamphetamine;
- 97 (b) 4-bromo-2, 5-dimethoxyphenethylamine;
- 98 (c) 2,5-dimethoxyamphetamine;
- 99 (d) 2,5-dimethoxy-4-ethylamphetamine;
- 100 (e) 2,5-dimethoxy-4-(n)-propylthiophenethylamine;
- 101 (f) 4-methoxyamphetamine;
- 102 (g) 5-methoxy-3,4-methylenedioxyamphetamine;
- 103 (h) 4-methyl-2,5-dimethoxy amphetamine;
- 104 (i) 3,4-methylenedioxyamphetamine;
- 105 (j) 3,4-methylenedioxymethamphetamine;
- 106 (k) 3,4-methylenedioxy-N-ethylamphetamine;
- 107 (l) N-hydroxy-3, 4-methylenedioxyamphetamine;
- 108 (m) 3,4,5-trimethoxyamphetamine;
- 109 (n) Alpha-ethyltryptamine;
- 110 (o) Benzylpiperazine or B.P.;
- 111 (p) Bufotenine;
- 112 (q) Diethyltryptamine;
- 113 (r) Dimethyltryptamine;
- 114 (s) Ibogaine;
- 115 (t) Lysergic acid diethylamide;
- 116 (u) Marijuana; (Marihuana);
- 117 (v) Mescaline;
- 118 (w) Parahexyl;
- 119 (x) Peyote, to include all parts of the plant presently classified botanically as
120 Lophophora Williamsil Lemaire, whether growing or not; the seeds thereof; any extract from
121 any part of such plant; and every compound, manufacture, salt, derivative, mixture or
122 preparation of the plant, its seed or extracts;
- 123 (y) N-ethyl-3-piperidyl benzilate;
- 124 (z) N-methyl-3-piperidyl benzilate;
- 125 (aa) Psilocybin;
- 126 (bb) Psilocyn;
- 127 (cc) Tetrahydrocannabinols;
- 128 (dd) Ethylamine analog of phencyclidine;
- 129 (ee) Pyrrolidine analog of phencyclidine;
- 130 (ff) Thiophene analog of phencyclidine;

- 131 (gg) 1-(3-Trifluoromethylphenyl)piperazine or TFMPP;
132 (hh) 1-(1-(2-thienyl)cyclohexyl) pyrrolidine;
133 (ii) *Salvia divinorum*;
134 (jj) Salvinorin A;
135 (5) Any material, compound, mixture or preparation containing any quantity of the
136 following substances having a depressant effect on the central nervous system, including their
137 salts, isomers and salts of isomers whenever the existence of these salts, isomers and salts of
138 isomers is possible within the specific chemical designation:
139 (a) Gamma hydroxybutyric acid;
140 (b) Mecloqualone;
141 (c) Methaqualone;
142 (6) Any material, compound, mixture or preparation containing any quantity of the
143 following substances having a stimulant effect on the central nervous system, including their
144 salts, isomers and salts of isomers:
145 (a) Aminorex;
146 (b) Cathinone;
147 (c) Fenethylline;
148 (d) Methcathinone;
149 (e) (+)cis-4-methylaminorex ((+)cis-4,5-dihydro- 4-methyl-5-phenyl-2-oxazoline);
150 (f) N-ethylamphetamine;
151 (g) N,N-dimethylamphetamine;
152 (7) A temporary listing of substances subject to emergency scheduling under federal law
153 shall include any material, compound, mixture or preparation which contains any quantity of the
154 following substances:
155 (a) N-(1-benzyl-4-piperidyl)-N-phenyl-propanamide (benzylfentanyl), its optical
156 isomers, salts and salts of isomers;
157 (b) N-(1-(2-thienyl)methyl-4-piperidyl)-N-phenylpropanamide (thenylfentanyl), its
158 optical isomers, salts and salts of isomers;
159 (c) Alpha-Methyltryptamine, or (AMT);
160 (d) 5-Methoxy-N,N-Diisopropyltryptamine, or(5-MeO-DIPT);
161 (8) Khat, to include all parts of the plant presently classified botanically as *catha edulis*,
162 whether growing or not; the seeds thereof; any extract from any part of such plant; and every
163 compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seed or extracts.
164 3. The department of health and senior services shall place a substance in Schedule II
165 if it finds that:
166 (1) The substance has high potential for abuse;

167 (2) The substance has currently accepted medical use in treatment in the United States,
168 or currently accepted medical use with severe restrictions; and

169 (3) The abuse of the substance may lead to severe psychic or physical dependence.

170 4. The controlled substances listed in this subsection are included in Schedule II:

171 (1) Any of the following substances whether produced directly or indirectly by
172 extraction from substances of vegetable origin, or independently by means of chemical
173 synthesis, or by combination of extraction and chemical synthesis:

174 (a) Opium and opiate and any salt, compound, derivative or preparation of opium or
175 opiate, excluding apomorphine, thebaine-derived butorphanol, dextrorphan, nalbuphine,
176 nalmeferene, naloxone and naltrexone, and their respective salts but including the following:

- 177 a. Raw opium;
- 178 b. Opium extracts;
- 179 c. Opium fluid;
- 180 d. Powdered opium;
- 181 e. Granulated opium;
- 182 f. Tincture of opium;
- 183 g. Codeine;
- 184 h. Ethylmorphine;
- 185 i. Etorphine hydrochloride;
- 186 j. Hydrocodone;
- 187 k. Hydromorphone;
- 188 l. Metopon;
- 189 m. Morphine;
- 190 n. Oxycodone;
- 191 o. Oxymorphone;
- 192 p. Thebaine;

193 (b) Any salt, compound, derivative, or preparation thereof which is chemically
194 equivalent or identical with any of the substances referred to in this subdivision, but not
195 including the isoquinoline alkaloids of opium;

196 (c) Opium poppy and poppy straw;

197 (d) Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and
198 any salt, compound, derivative, or preparation thereof which is chemically equivalent or
199 identical with any of these substances, but not including decocainized coca leaves or extractions
200 which do not contain cocaine or ecgonine;

201 (e) Concentrate of poppy straw (the crude extract of poppy straw in either liquid, solid
202 or powder form which contains the phenanthrene alkaloids of the opium poppy);

(2) Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation, dextrorphan and levopropoxyphene excepted:

- (a) Alfentanil;
 - (b) Alphaprodine;
 - (c) Anileridine;
 - (d) Bezitramide;
 - (e) Bulk Dextropropoxyphene;
 - (f) Carfentanil;
 - (g) Butyl nitrite;
 - (h) Dihydrocodeine;
 - (i) Diphenoxylate;
 - (j) Fentanyl;
 - (k) Isomethadone;
 - (l) Levo-alphacetylmethadol;
 - (m) Levomethorphan;
 - (n) Levorphanol;
 - (o) Metazocine;
 - (p) Methadone;
 - (q) Meperidine;
 - (r) Methadone-Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenylbutane;
 - (s) Moramide-Intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane--carboxylic acid;
 - (t) Pethidine;
 - (u) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;
 - (v) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate;
 - (w) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;
 - (x) Phenazocine;
 - (y) Piminodine;
 - (z) Racemethorphan;
 - (aa) Racemorphan;
 - (bb) Sufentanil;
- (3) Any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system:
- (a) Amphetamine, its salts, optical isomers, and salts of its optical isomers;
 - (b) Methamphetamine, its salts, isomers, and salts of its isomers;
 - (c) Phenmetrazine and its salts;

240 (d) Methylphenidate;
241 (4) Any material, compound, mixture, or preparation which contains any quantity of the
242 following substances having a depressant effect on the central nervous system, including its
243 salts, isomers, and salts of isomers whenever the existence of those salts, isomers, and salts of
244 isomers is possible within the specific chemical designation:
245 (a) Amobarbital;
246 (b) Glutethimide;
247 (c) Pentobarbital;
248 (d) Phencyclidine;
249 (e) Secobarbital;
250 (5) Any material, compound or compound which contains any quantity of nabilone;
251 (6) Any material, compound, mixture, or preparation which contains any quantity of the
252 following substances:
253 (a) Immediate precursor to amphetamine and methamphetamine: Phenylacetone;
254 (b) Immediate precursors to phencyclidine (PCP):
255 a. 1-phenylcyclohexylamine;
256 b. 1-piperidinocyclohexanecarbonitrile (PCC).
257 5. The department of health and senior services shall place a substance in Schedule III
258 if it finds that:
259 (1) The substance has a potential for abuse less than the substances listed in Schedules
260 I and II;
261 (2) The substance has currently accepted medical use in treatment in the United States;
262 and
263 (3) Abuse of the substance may lead to moderate or low physical dependence or high
264 psychological dependence.
265 6. The controlled substances listed in this subsection are included in Schedule III:
266 (1) Any material, compound, mixture, or preparation which contains any quantity of the
267 following substances having a potential for abuse associated with a stimulant effect on the
268 central nervous system:
269 (a) Benzphetamine;
270 (b) Chlorphentermine;
271 (c) Clortermine;
272 (d) Phendimetrazine;
273 (2) Any material, compound, mixture or preparation which contains any quantity or salt
274 of the following substances or salts having a depressant effect on the central nervous system:
275 (a) Any material, compound, mixture or preparation which contains any quantity or salt
276 of the following substances combined with one or more active medicinal ingredients:

- 277 a. Amobarbital;
- 278 b. Gamma hydroxybutyric acid and its salts, isomers, and salts of isomers contained in
- 279 a drug product for which an application has been approved under Section 505 of the Federal
- 280 Food, Drug, and Cosmetic Act;
- 281 c. Secobarbital;
- 282 d. Pentobarbital;
- 283 (b) Any suppository dosage form containing any quantity or salt of the following:
- 284 a. Amobarbital;
- 285 b. Secobarbital;
- 286 c. Pentobarbital;
- 287 (c) Any substance which contains any quantity of a derivative of barbituric acid or its
- 288 salt;
- 289 (d) Chlorhexadol;
- 290 (e) Ketamine, its salts, isomers, and salts of isomers;
- 291 (f) Lysergic acid;
- 292 (g) Lysergic acid amide;
- 293 (h) Methyprylon;
- 294 (i) Sulfondiethylmethane;
- 295 (j) Sulfonethylmethane;
- 296 (k) Sulfonmethane;
- 297 (l) Tiletamine and zolazepam or any salt thereof;
- 298 (3) Nalorphine;
- 299 (4) Any material, compound, mixture, or preparation containing limited quantities of any
- 300 of the following narcotic drugs or their salts:
- 301 (a) Not more than 1.8 grams of codeine per one hundred milliliters or not more than
- 302 ninety milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid
- 303 of opium;
- 304 (b) Not more than 1.8 grams of codeine per one hundred milliliters or not more than
- 305 ninety milligrams per dosage unit with one or more active, nonnarcotic ingredients in recognized
- 306 therapeutic amounts;
- 307 (c) Not more than three hundred milligrams of hydrocodone per one hundred milliliters
- 308 or not more than fifteen milligrams per dosage unit, with a fourfold or greater quantity of an
- 309 isoquinoline alkaloid of opium;
- 310 (d) Not more than three hundred milligrams of hydrocodone per one hundred milliliters
- 311 or not more than fifteen milligrams per dosage unit, with one or more active nonnarcotic
- 312 ingredients in recognized therapeutic amounts;

313 (e) Not more than 1.8 grams of dihydrocodeine per one hundred milliliters or more than
314 ninety milligrams per dosage unit, with one or more active nonnarcotic ingredients in recognized
315 therapeutic amounts;

316 (f) Not more than three hundred milligrams of ethylmorphine per one hundred milliliters
317 or not more than fifteen milligrams per dosage unit, with one or more active, nonnarcotic
318 ingredients in recognized therapeutic amounts;

319 (g) Not more than five hundred milligrams of opium per one hundred milliliters or per
320 one hundred grams or not more than twenty-five milligrams per dosage unit, with one or more
321 active nonnarcotic ingredients in recognized therapeutic amounts;

322 (h) Not more than fifty milligrams of morphine per one hundred milliliters or per one
323 hundred grams, with one or more active, nonnarcotic ingredients in recognized therapeutic
324 amounts;

325 (5) Any material, compound, mixture, or preparation containing any of the following
326 narcotic drugs or their salts, as set forth in subdivision (6) of this subsection; buprenorphine;

327 (6) Anabolic steroids. Any drug or hormonal substance, chemically and
328 pharmacologically related to testosterone (other than estrogens, progestins, and corticosteroids)
329 that promotes muscle growth, except an anabolic steroid which is expressly intended for
330 administration through implants to cattle or other nonhuman species and which has been
331 approved by the Secretary of Health and Human Services for that administration. If any person
332 prescribes, dispenses, or distributes such steroid for human use, such person shall be considered
333 to have prescribed, dispensed, or distributed an anabolic steroid within the meaning of this
334 paragraph. Unless specifically excepted or unless listed in another schedule, any material,
335 compound, mixture or preparation containing any quantity of the following substances, including
336 its salts, isomers and salts of isomers whenever the existence of such salts of isomers is possible
337 within the specific chemical designation:

338 (a) Boldenone;

339 (b) Chlorotestosterone (4-Chlortestosterone);

340 (c) Clostebol;

341 (d) Dehydrochlormethyltestosterone;

342 (e) Dihydrotestosterone (4-Dihydro-testosterone);

343 (f) Drostanolone;

344 (g) Ethylestrenol;

345 (h) Fluoxymesterone;

346 (i) Formebolone (Formebolone);

347 (j) Mesterolone;

348 (k) Methandienone;

349 (l) Methandranone;

- 350 (m) Methandriol;
351 (n) Methandrostenolone;
352 (o) Methenolone;
353 (p) Methyltestosterone;
354 (q) Mibolerone;
355 (r) Nandrolone;
356 (s) Norethandrolone;
357 (t) Oxandrolone;
358 (u) Oxymesterone;
359 (v) Oxymetholone;
360 (w) Stanolone;
361 (x) Stanozolol;
362 (y) Testolactone;
363 (z) Testosterone;
364 (aa) Trenbolone;
365 (bb) Any salt, ester, or isomer of a drug or substance described or listed in this
366 subdivision, if that salt, ester or isomer promotes muscle growth except an anabolic steroid
367 which is expressly intended for administration through implants to cattle or other nonhuman
368 species and which has been approved by the Secretary of Health and Human Services for that
369 administration;
- 370 (7) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a
371 United States Food and Drug Administration approved drug product. Some other names for
372 dronabinol: (6aR-trans)-6a,7,8,10a- tetrahydro-6.6.9-trimethyl-3-pentyl-6H-dibenzo (b,d)
373 pyran-1-ol, or (-)- delta-9-(trans)-tetrahydracannabinol);
- 374 (8) The department of health and senior services may except by rule any compound,
375 mixture, or preparation containing any stimulant or depressant substance listed in subdivisions
376 (1) and (2) of this subsection from the application of all or any part of sections 195.010 to
377 195.320 if the compound, mixture, or preparation contains one or more active medicinal
378 ingredients not having a stimulant or depressant effect on the central nervous system, and if the
379 admixtures are included therein in combinations, quantity, proportion, or concentration that
380 vitiate the potential for abuse of the substances which have a stimulant or depressant effect on
381 the central nervous system.
- 382 7. The department of health and senior services shall place a substance in Schedule IV
383 if it finds that:
- 384 (1) The substance has a low potential for abuse relative to substances in Schedule III;
385 (2) The substance has currently accepted medical use in treatment in the United States;
386 and

387 (3) Abuse of the substance may lead to limited physical dependence or psychological
388 dependence relative to the substances in Schedule III.

389 8. The controlled substances listed in this subsection are included in Schedule IV:

390 (1) Any material, compound, mixture, or preparation containing any of the following
391 narcotic drugs or their salts calculated as the free anhydrous base or alkaloid, in limited
392 quantities as set forth below:

393 (a) Not more than one milligram of difenoxin and not less than twenty-five micrograms
394 of atropine sulfate per dosage unit;

395 (b) Dextropropoxyphene (alpha-(+)-4-dimethylamino-1, 2-diphenyl-3-methyl-2-
396 propionoxybutane);

397 (c) Any of the following limited quantities of narcotic drugs or their salts, which shall
398 include one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer
399 upon the compound, mixture or preparation valuable medicinal qualities other than those
400 possessed by the narcotic drug alone:

401 a. Not more than two hundred milligrams of codeine per one hundred milliliters or per
402 one hundred grams;

403 b. Not more than one hundred milligrams of dihydrocodeine per one hundred milliliters
404 or per one hundred grams;

405 c. Not more than one hundred milligrams of ethylmorphine per one hundred milliliters
406 or per one hundred grams;

407 (2) Any material, compound, mixture or preparation containing any quantity of the
408 following substances, including their salts, isomers, and salts of isomers whenever the existence
409 of those salts, isomers, and salts of isomers is possible within the specific chemical designation:

410 (a) Alprazolam;

411 (b) Barbital;

412 (c) Bromazepam;

413 (d) Camazepam;

414 (e) Chloral betaine;

415 (f) Chloral hydrate;

416 (g) Chlordiazepoxide;

417 (h) Clobazam;

418 (i) Clonazepam;

419 (j) Clorazepate;

420 (k) Clotiazepam;

421 (l) Cloxazolam;

422 (m) Delorazepam;

423 (n) Diazepam;

- 424 (o) Dichloralphenazone;
- 425 (p) Estazolam;
- 426 (q) Ethchlorvynol;
- 427 (r) Ethinamate;
- 428 (s) Ethyl loflazepate;
- 429 (t) Fludiazepam;
- 430 (u) Flunitrazepam;
- 431 (v) Flurazepam;
- 432 (w) Halazepam;
- 433 (x) Haloxazolam;
- 434 (y) Ketazolam;
- 435 (z) Loprazolam;
- 436 (aa) Lorazepam;
- 437 (bb) Lormetazepam;
- 438 (cc) Mebutamate;
- 439 (dd) Medazepam;
- 440 (ee) Meprobamate;
- 441 (ff) Methohexital;
- 442 (gg) Methylphenobarbital;
- 443 (hh) Midazolam;
- 444 (ii) Nimetazepam;
- 445 (jj) Nitrazepam;
- 446 (kk) Nordiazepam;
- 447 (ll) Oxazepam;
- 448 (mm) Oxazolam;
- 449 (nn) Paraldehyde;
- 450 (oo) Petrichloral;
- 451 (pp) Phenobarbital;
- 452 (qq) Pinazepam;
- 453 (rr) Prazepam;
- 454 (ss) Quazepam;
- 455 (tt) Temazepam;
- 456 (uu) Tetrazepam;
- 457 (vv) Triazolam;
- 458 (ww) Zaleplon;
- 459 (xx) Zolpidem;

(3) Any material, compound, mixture, or preparation which contains any quantity of the following substance including its salts, isomers and salts of isomers whenever the existence of such salts, isomers and salts of isomers is possible: fenfluramine;

(4) Any material, compound, mixture or preparation containing any quantity of the following substances having a stimulant effect on the central nervous system, including their salts, isomers and salts of isomers:

(a) Cathine ((+)-norpseudoephedrine);

(b) Diethylpropion;

(c) Fencamfamin;

(d) Fenproporex;

(e) Mazindol;

(f) Mefenorex;

(g) Modafinil;

(h) Pemoline, including organometallic complexes and chelates thereof;

(i) Phentermine;

(j) Pipradrol;

(k) Sibutramine;

(l) SPA ((-)-1-dimethylamino-1,2-diphenylethane);

(5) Any material, compound, mixture or preparation containing any quantity of the following substance, including its salts:

(a) butorphanol;

(b) pentazocine;

(6) Ephedrine, its salts, optical isomers and salts of optical isomers, when the substance is the only active medicinal ingredient;

(7) The department of health and senior services may except by rule any compound, mixture, or preparation containing any depressant substance listed in subdivision (1) of this subsection from the application of all or any part of sections 195.010 to 195.320 if the compound, mixture, or preparation contains one or more active medicinal ingredients not having a depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances which have a depressant effect on the central nervous system.

9. The department of health and senior services shall place a substance in Schedule V if it finds that:

(1) The substance has low potential for abuse relative to the controlled substances listed in Schedule IV;

(2) The substance has currently accepted medical use in treatment in the United States; and

497 (3) The substance has limited physical dependence or psychological dependence liability
498 relative to the controlled substances listed in Schedule IV.

499 10. The controlled substances listed in this subsection are included in Schedule V:

500 (1) Any compound, mixture or preparation containing any of the following narcotic
501 drugs or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set
502 forth below, which also contains one or more nonnarcotic active medicinal ingredients in
503 sufficient proportion to confer upon the compound, mixture or preparation valuable medicinal
504 qualities other than those possessed by the narcotic drug alone:

505 (a) Not more than two and five-tenths milligrams of diphenoxylate and not less than
506 twenty-five micrograms of atropine sulfate per dosage unit;

507 (b) Not more than one hundred milligrams of opium per one hundred milliliters or per
508 one hundred grams;

509 (c) Not more than five-tenths milligram of difenoxin and not less than twenty-five
510 micrograms of atropine sulfate per dosage unit;

511 (2) Any material, compound, mixture or preparation which contains any quantity of the
512 following substance having a stimulant effect on the central nervous system including its salts,
513 isomers and salts of isomers: pyrovalerone;

514 (3) Any compound, mixture, or preparation containing any detectable quantity of
515 pseudoephedrine or its salts or optical isomers, or salts of optical isomers or any compound,
516 mixture, or preparation containing any detectable quantity of ephedrine or its salts or optical
517 isomers, or salts of optical isomers.

518 11. If any compound, mixture, or preparation as specified in subdivision (3) of
519 subsection 10 of this section is dispensed, sold, or distributed in a pharmacy without a
520 prescription:

521 (1) All packages of any compound, mixture, or preparation containing any detectable
522 quantity of pseudoephedrine, its salts or optical isomers, or salts of optical isomers or ephedrine,
523 its salts or optical isomers, or salts of optical isomers, shall be offered for sale only from behind
524 a pharmacy counter where the public is not permitted, and only by a registered pharmacist or
525 registered pharmacy technician; and

526 (2) Any person purchasing, receiving or otherwise acquiring any compound, mixture,
527 or preparation containing any detectable quantity of pseudoephedrine, its salts or optical isomers,
528 or salts of optical isomers or ephedrine, its salts or optical isomers, or salts of optical isomers
529 shall be at least eighteen years of age; and

530 (3) The pharmacist or registered pharmacy technician shall require any person
531 purchasing, receiving or otherwise acquiring such compound, mixture, or preparation, who is
532 not known to the pharmacist or registered pharmacy technician, to furnish suitable photo
533 identification showing the date of birth of the person.

534 12. Within ninety days of the enactment of this section, pharmacists and registered
535 pharmacy technicians shall implement and maintain a written or electronic log of each
536 transaction. Such log shall include the following information:

- 537 (1) The name and address of the purchaser;
538 (2) The amount of the compound, mixture, or preparation purchased;
539 (3) The date of each purchase; and
540 (4) The name or initials of the pharmacist or registered pharmacy technician who
541 dispensed the compound, mixture, or preparation to the purchaser.

542 13. No person shall dispense, sell, purchase, receive, or otherwise acquire quantities
543 greater than those specified in this chapter.

544 14. Within thirty days of the enactment of this section, all persons who dispense or offer
545 for sale pseudoephedrine and ephedrine products in a pharmacy shall ensure that all such
546 products are located only behind a pharmacy counter where the public is not permitted.

547 15. Within thirty days of the enactment of this section, any business entity which sells
548 ephedrine or pseudoephedrine products in the course of legitimate business which is in the
549 possession of pseudoephedrine and ephedrine products, and which does not have a state and
550 federal controlled substances registration, shall return these products to a manufacturer or
551 distributor or transfer them to an authorized controlled substances registrant.

552 16. Any person who knowingly or recklessly violates the provisions of subsections 11
553 to 15 of this section is guilty of a class A misdemeanor.

554 17. The scheduling of substances specified in subdivision (3) of subsection 10 of this
555 section and subsections 11, 12, 14, and 15 of this section shall not apply to any compounds,
556 mixtures, or preparations that are in liquid or liquid-filled gel capsule form or to any compound,
557 mixture, or preparation specified in subdivision (3) of subsection 10 of this section which must
558 be dispensed, sold, or distributed in a pharmacy pursuant to a prescription.

559 18. The manufacturer of a drug product or another interested party may apply with the
560 department of health and senior services for an exemption from this section. The department
561 of health and senior services may grant an exemption by rule from this section if the department
562 finds the drug product is not used in the illegal manufacture of methamphetamine or other
563 controlled or dangerous substances. The department of health and senior services shall rely on
564 reports from law enforcement and law enforcement evidentiary laboratories in determining if
565 the proposed product can be used to manufacture illicit controlled substances.

566 19. The department of health and senior services shall revise and republish the schedules
567 annually.

568 20. The department of health and senior services shall promulgate rules under chapter
569 536, RSMo, regarding the security and storage of Schedule V controlled substances, as described

570 in subdivision (3) of subsection 10 of this section, for distributors as registered by the
571 department of health and senior services.

572 **21. Logs of transactions required to be kept and maintained by this section and**
573 **section 195.417, shall create a rebuttable presumption that the person whose name appears**
574 **in the logs is the person whose transactions are recorded in the logs.**

211.021. 1. As used in this chapter, unless the context clearly requires otherwise:

2 (1) "Adult" means a person seventeen years of age or older **except for seventeen year**
3 **old children as defined in this section;**

4 (2) "Child" means [a] **any person under seventeen years of age and shall mean, in**
5 **addition, any person over seventeen but not yet eighteen years of age alleged to have**
6 **committed a status offense;**

7 (3) "Juvenile court" means the juvenile division or divisions of the circuit court of the
8 county, or judges while hearing juvenile cases assigned to them;

9 (4) "Legal custody" means the right to the care, custody and control of a child and the
10 duty to provide food, clothing, shelter, ordinary medical care, education, treatment and discipline
11 of a child. Legal custody may be taken from a parent only by court action and if the legal
12 custody is taken from a parent without termination of parental rights, the parent's duty to provide
13 support continues even though the person having legal custody may provide the necessities of
14 daily living;

15 (5) "Parent" means either a natural parent or a parent by adoption and if the child is
16 illegitimate, "parent" means the mother;

17 (6) "Shelter care" means the temporary care of juveniles in physically unrestricting
18 facilities pending final court disposition. These facilities may include:

19 (a) "Foster home", the private home of foster parents providing twenty-four-hour care
20 to one to three children unrelated to the foster parents by blood, marriage or adoption;

21 (b) "Group foster home", the private home of foster parents providing twenty-four-hour
22 care to no more than six children unrelated to the foster parents by blood, marriage or adoption;

23 (c) "Group home", a child care facility which approximates a family setting, provides
24 access to community activities and resources, and provides care to no more than twelve children;

25 (7) "Status offense", any offense as described in subdivision (2) of subsection 1 of
26 **section 211.031.**

27 **2. The amendments to subsection 1 of this section, as provided for in this act, shall**
28 **not take effect until such time as appropriations by the general assembly for additional**
29 **juvenile officer full-time equivalents and deputy juvenile officer full-time equivalents shall**
30 **exceed by one million nine hundred thousand dollars the amount spent by the state for**
31 **such officers in fiscal year 2007 and appropriations by the general assembly to single first**
32 **class counties for juvenile court personnel costs shall exceed by one million nine hundred**

33 **thousand dollars the amount spent by the state for such juvenile court personnel costs in**
34 **fiscal year 2007 and notice of such appropriations has been given to the revisor of statutes.**

211.031. 1. Except as otherwise provided in this chapter, the juvenile court or the family
2 court in circuits that have a family court as provided in sections 487.010 to 487.190, RSMo,
3 shall have exclusive original jurisdiction in proceedings:

4 (1) Involving any child or person seventeen years of age who may be a resident of or
5 found within the county and who is alleged to be in need of care and treatment because:

6 (a) The parents, or other persons legally responsible for the care and support of the child
7 or person seventeen years of age, neglect or refuse to provide proper support, education which
8 is required by law, medical, surgical or other care necessary for his or her well-being; except that
9 reliance by a parent, guardian or custodian upon remedial treatment other than medical or
10 surgical treatment for a child or person seventeen years of age shall not be construed as neglect
11 when the treatment is recognized or permitted pursuant to the laws of this state;

12 (b) The child or person seventeen years of age is otherwise without proper care, custody
13 or support; or

14 (c) The child or person seventeen years of age was living in a room, building or other
15 structure at the time such dwelling was found by a court of competent jurisdiction to be a public
16 nuisance pursuant to section 195.130, RSMo;

17 (d) The child or person seventeen years of age is a child in need of mental health
18 services and the parent, guardian or custodian is unable to afford or access appropriate mental
19 health treatment or care for the child;

20 (2) Involving any child who may be a resident of or found within the county and who
21 is alleged to be in need of care and treatment because:

22 (a) The child while subject to compulsory school attendance is repeatedly and without
23 justification absent from school; or

24 (b) The child disobeys the reasonable and lawful directions of his or her parents or other
25 custodian and is beyond their control; or

26 (c) The child is habitually absent from his or her home without sufficient cause,
27 permission, or justification; or

28 (d) The behavior or associations of the child are otherwise injurious to his or her welfare
29 or to the welfare of others; or

30 (e) The child is charged with an offense not classified as criminal, or with an offense
31 applicable only to children; except that, the juvenile court shall not have jurisdiction over any
32 child fifteen [and one-half] years of age who is alleged to have violated a state or municipal
33 traffic ordinance or regulation, the violation of which does not constitute a felony, or any child
34 who is alleged to have violated a state or municipal ordinance or regulation prohibiting
35 possession or use of any tobacco product;

36 (3) Involving any child who is alleged to have violated a state law or municipal
37 ordinance, or any person who is alleged to have violated a state law or municipal ordinance prior
38 to attaining the age of seventeen years, in which cases jurisdiction may be taken by the court of
39 the circuit in which the child or person resides or may be found or in which the violation is
40 alleged to have occurred; except that, the juvenile court shall not have jurisdiction over any child
41 fifteen [and one-half] years of age who is alleged to have violated a state or municipal traffic
42 ordinance or regulation, the violation of which does not constitute a felony, and except that the
43 juvenile court shall have concurrent jurisdiction with the municipal court over any child who is
44 alleged to have violated a municipal curfew ordinance, and except that the juvenile court shall
45 have concurrent jurisdiction with the circuit court on any child who is alleged to have violated
46 a state or municipal ordinance or regulation prohibiting possession or use of any tobacco
47 product;

48 (4) For the adoption of a person;

49 (5) For the commitment of a child or person seventeen years of age to the guardianship
50 of the department of social services as provided by law.

51 2. Transfer of a matter, proceeding, jurisdiction or supervision for a child or person
52 seventeen years of age who resides in a county of this state shall be made as follows:

53 (1) Prior to the filing of a petition and upon request of any party or at the discretion of
54 the juvenile officer, the matter in the interest of a child or person seventeen years of age may be
55 transferred by the juvenile officer, with the prior consent of the juvenile officer of the receiving
56 court, to the county of the child's residence or the residence of the person seventeen years of age
57 for future action;

58 (2) Upon the motion of any party or on its own motion prior to final disposition on the
59 pending matter, the court in which a proceeding is commenced may transfer the proceeding of
60 a child or person seventeen years of age to the court located in the county of the child's residence
61 or the residence of the person seventeen years of age, or the county in which the offense
62 pursuant to subdivision (3) of subsection 1 of this section is alleged to have occurred for further
63 action;

64 (3) Upon motion of any party or on its own motion, the court in which jurisdiction has
65 been taken pursuant to subsection 1 of this section may at any time thereafter transfer
66 jurisdiction of a child or person seventeen years of age to the court located in the county of the
67 child's residence or the residence of the person seventeen years of age for further action with the
68 prior consent of the receiving court;

69 (4) Upon motion of any party or upon its own motion at any time following a judgment
70 of disposition or treatment pursuant to section 211.181, the court having jurisdiction of the cause
71 may place the child or person seventeen years of age under the supervision of another juvenile

72 court within or without the state pursuant to section 210.570, RSMo, with the consent of the
73 receiving court;

74 (5) Upon motion of any child or person seventeen years of age or his or her parent, the
75 court having jurisdiction shall grant one change of judge pursuant to Missouri Supreme Court
76 Rules;

77 (6) Upon the transfer of any matter, proceeding, jurisdiction or supervision of a child
78 or person seventeen years of age, certified copies of all legal and social documents and records
79 pertaining to the case on file with the clerk of the transferring juvenile court shall accompany
80 the transfer.

81 3. In any proceeding involving any child or person seventeen years of age taken into
82 custody in a county other than the county of the child's residence or the residence of a person
83 seventeen years of age, the juvenile court of the county of the child's residence or the residence
84 of a person seventeen years of age shall be notified of such taking into custody within
85 seventy-two hours.

86 4. When an investigation by a juvenile officer pursuant to this section reveals that the
87 only basis for action involves an alleged violation of section 167.031, RSMo, involving a child
88 who alleges to be home schooled, the juvenile officer shall contact a parent or parents of such
89 child to verify that the child is being home schooled and not in violation of section 167.031,
90 RSMo, before making a report of such a violation. Any report of a violation of section 167.031,
91 RSMo, made by a juvenile officer regarding a child who is being home schooled shall be made
92 to the prosecuting attorney of the county where the child legally resides.

211.033. 1. No person under the age of seventeen years, except those transferred to the
2 court of general jurisdiction under the provisions of section 211.071 shall be detained in a jail
3 or other adult detention facility as that term is defined in section 211.151. A traffic court judge
4 may request the juvenile court to order the commitment of a person under the age of seventeen
5 to a juvenile detention facility.

6 2. **Nothing in this section shall be construed as creating any civil or criminal**
7 **liability for any law enforcement officer, juvenile officer, school personnel, or court**
8 **personnel for any action taken or failure to take any action involving a minor child who**
9 **remains under the jurisdiction of the juvenile court under this section if such action or**
10 **failure to take action is based on a good faith belief by such officer or personnel that the**
11 **minor child is not under the jurisdiction of the juvenile court.**

12 3. **The provisions of this section shall not take effect until such time as the**
13 **provisions of section 211.021 shall take effect in accordance with subsection 2 of section**
14 **211.021.**

211.034. 1. Any parent, legal guardian, or other person having legal custody of a minor
2 child may, at any time after the minor child attains fifteen years of age and before the minor

3 child attains eighteen years of age, petition the circuit court for the county where the minor child
4 and parent, legal guardian, or other person having legal custody of the minor child reside to
5 extend the jurisdiction of the juvenile court until the minor child reaches the age of eighteen
6 years.

7 2. The petition shall be accompanied by verified proof of service on the minor child and
8 certified copies of documents demonstrating that the petitioner is the parent, legal guardian, or
9 other legal custodian of the minor child. If the petitioner is not the natural parent of the minor
10 child, the petition shall be accompanied by:

11 (1) An affidavit from at least one of the child's natural parents consenting to the granting
12 of the petition; or

13 (2) An affidavit from the petitioner stating that the natural parents:

14 (a) Are deceased;

15 (b) Have been declared legally incompetent;

16 (c) Have had their parental rights as to the minor child terminated by a court of
17 competent jurisdiction;

18 (d) Have voluntarily surrendered their parental rights as to the minor child;

19 (e) Have abandoned the minor child;

20 (f) Are unknown; or

21 (g) Are otherwise unavailable, in which case, the affidavit shall state the reasons why
22 the natural parents are unavailable.

23

24 In all cases where any parent, legal guardian, or other person having legal custody of a minor
25 child petitions the court to extend the jurisdiction of the juvenile court until the minor child's
26 eighteenth birthday, the court shall appoint an attorney to represent the minor child. An
27 individual filing the petition shall pay the attorney fees of the minor child.

28 3. Upon the filing of a petition under this section and a determination by the court in
29 favor of the petitioner, the circuit court shall issue an order declaring that the minor child shall
30 remain under the jurisdiction of the juvenile court for all purposes under state law until the minor
31 child reaches eighteen years of age; except that, for purposes of criminal law and procedure,
32 including arrest, prosecution, trial, and punishment, if the minor is certified as an adult, the
33 minor shall remain a certified adult despite the issuance of a court order under this section. Such
34 minor child shall be subject to the compulsory school attendance requirements of section
35 167.031, RSMo, until the minor child receives a high school diploma or its equivalent, or
36 reaches eighteen years of age. The court order shall be filed with the circuit clerk for the county
37 where the petitioner resides.

38 4. Nothing in this section shall be construed as creating any civil or criminal liability for
39 any law enforcement officer, juvenile officer, school personnel, or court personnel for any action

40 taken or failure to take any action involving a minor child who remains under the jurisdiction
41 of the juvenile court under this section if such action or failure to take action is based on a good
42 faith belief by such officer or personnel that the minor child is not under the jurisdiction of the
43 juvenile court.

44 **5. The provisions of this section shall expire when the provisions enacted by**
45 **subsection 2 of section 211.021 take effect.**

211.041. When jurisdiction over the person of a child has been acquired by the juvenile
2 court under the provisions of this chapter in proceedings coming within the applicable provisions
3 of section 211.031, the jurisdiction of the child may be retained for the purpose of this chapter
4 until he **or she** has attained the age of twenty-one years, except in cases where he **or she** is
5 committed to and received by the division of youth services, unless jurisdiction has been
6 returned to the committing court by provisions of chapter 219, RSMo, through requests of the
7 court to the division of youth services and except in any case where he **or she** has not paid an
8 assessment imposed in accordance with section 211.181 or in cases where the judgment for
9 restitution entered in accordance with section 211.185 has not been satisfied. Every child over
10 whose person the juvenile court retains jurisdiction shall be prosecuted under the general law
11 for any violation of a state law or of a municipal ordinance which he **or she** commits after he **or**
12 **she** becomes seventeen years of age. The juvenile court shall have no jurisdiction with respect
13 to any such violation and, so long as it retains jurisdiction of the child, shall not exercise its
14 jurisdiction in such a manner as to conflict with any other court's jurisdiction as to any such
15 violation.

211.061. 1. When a child is taken into custody with or without warrant for an offense,
2 the child, together with any information concerning [him] **the child** and the personal property
3 found in [his] **the child's** possession, shall be taken immediately and directly before the juvenile
4 court or delivered to the juvenile officer or person acting for him.

5 2. If any person is taken before a circuit or associate circuit judge not assigned to
6 juvenile court or a municipal judge, and it is then, or at any time thereafter, ascertained that he
7 **or she** was under the age of seventeen years at the time he **or she** is alleged to have committed
8 the offense, or that he **or she** is subject to the jurisdiction of the juvenile court as provided by
9 this chapter, it is the duty of the judge forthwith to transfer the case or refer the matter to the
10 juvenile court, and direct the delivery of such person, together with information concerning him
11 **or her** and the personal property found in his **or her** possession, to the juvenile officer or person
12 acting as such.

13 3. When the juvenile court is informed that a child is in detention it shall examine the
14 reasons therefor and shall immediately:

15 (1) Order the child released; or

16 (2) Order the child continued in detention until a detention hearing is held. An order to
17 continue the child in detention shall only be entered upon the filing of a petition or motion to
18 modify and a determination by the court that probable cause exists to believe that the child has
19 committed acts specified in the petition or motion that bring the child within the jurisdiction of
20 the court under subdivision (2) or (3) of subsection 1 of section 211.031.

21 4. A juvenile shall not remain in detention for a period greater than twenty-four hours
22 unless the court orders a detention hearing. If such hearing is not held within three days,
23 excluding Saturdays, Sundays and legal holidays, the juvenile shall be released from detention
24 unless the court for good cause orders the hearing continued. The detention hearing shall be
25 held within the judicial circuit at a date, time and place convenient to the court. Notice of the
26 date, time and place of a detention hearing, and of the right to counsel, shall be given to the
27 juvenile and his **or her** custodian in person, by telephone, or by such other expeditious method
28 as is available.

211.071. 1. If a petition alleges that a child between the ages of twelve and seventeen
2 has committed an offense which would be considered a felony if committed by an adult, the
3 court may, upon its own motion or upon motion by the juvenile officer, the child or the child's
4 custodian, order a hearing and may, in its discretion, dismiss the petition and such child may be
5 transferred to the court of general jurisdiction and prosecuted under the general law; except that
6 if a petition alleges that any child has committed an offense which would be considered first
7 degree murder under section 565.020, RSMo, second degree murder under section 565.021,
8 RSMo, first degree assault under section 565.050, RSMo, forcible rape under section 566.030,
9 RSMo, forcible sodomy under section 566.060, RSMo, first degree robbery under section
10 569.020, RSMo, or distribution of drugs under section 195.211, RSMo, or has committed two
11 or more prior unrelated offenses which would be felonies if committed by an adult, the court
12 shall order a hearing, and may in its discretion, dismiss the petition and transfer the child to a
13 court of general jurisdiction for prosecution under the general law.

14 2. Upon apprehension and arrest, jurisdiction over the criminal offense allegedly
15 committed by any person between seventeen and twenty-one years of age over whom the
16 juvenile court has retained continuing jurisdiction shall automatically terminate and that offense
17 shall be dealt with in the court of general jurisdiction as provided in section 211.041.

18 3. Knowing and willful age misrepresentation by a juvenile subject shall not affect any
19 action or proceeding which occurs based upon the misrepresentation. Any evidence obtained
20 during the period of time in which a child misrepresents his **or her** age may be used against the
21 child and will be subject only to rules of evidence applicable in adult proceedings.

22 4. Written notification of a transfer hearing shall be given to the juvenile and his **or her**
23 custodian in the same manner as provided in sections 211.101 and 211.111. Notice of the
24 hearing may be waived by the custodian. Notice shall contain a statement that the purpose of

25 the hearing is to determine whether the child is a proper subject to be dealt with under the
26 provisions of this chapter, and that if the court finds that the child is not a proper subject to be
27 dealt with under the provisions of this chapter, the petition will be dismissed to allow for
28 prosecution of the child under the general law.

29 5. The juvenile officer may consult with the office of prosecuting attorney concerning
30 any offense for which the child could be certified as an adult under this section. The prosecuting
31 or circuit attorney shall have access to police reports, reports of the juvenile or deputy juvenile
32 officer, statements of witnesses and all other records or reports relating to the offense alleged
33 to have been committed by the child. The prosecuting or circuit attorney shall have access to
34 the disposition records of the child when the child has been adjudicated pursuant to subdivision
35 (3) of subsection 1 of section 211.031. The prosecuting attorney shall not divulge any
36 information regarding the child and the offense until the juvenile court at a judicial hearing has
37 determined that the child is not a proper subject to be dealt with under the provisions of this
38 chapter.

39 6. A written report shall be prepared in accordance with this chapter developing fully
40 all available information relevant to the criteria which shall be considered by the court in
41 determining whether the child is a proper subject to be dealt with under the provisions of this
42 chapter and whether there are reasonable prospects of rehabilitation within the juvenile justice
43 system. These criteria shall include but not be limited to:

44 (1) The seriousness of the offense alleged and whether the protection of the community
45 requires transfer to the court of general jurisdiction;

46 (2) Whether the offense alleged involved viciousness, force and violence;

47 (3) Whether the offense alleged was against persons or property with greater weight
48 being given to the offense against persons, especially if personal injury resulted;

49 (4) Whether the offense alleged is a part of a repetitive pattern of offenses which
50 indicates that the child may be beyond rehabilitation under the juvenile code;

51 (5) The record and history of the child, including experience with the juvenile justice
52 system, other courts, supervision, commitments to juvenile institutions and other placements;

53 (6) The sophistication and maturity of the child as determined by consideration of his
54 home and environmental situation, emotional condition and pattern of living;

55 (7) The age of the child;

56 (8) The program and facilities available to the juvenile court in considering disposition;

57 (9) Whether or not the child can benefit from the treatment or rehabilitative programs
58 available to the juvenile court; and

59 (10) Racial disparity in certification.

60 7. If the court dismisses the petition to permit the child to be prosecuted under the
61 general law, the court shall enter a dismissal order containing:

62 (1) Findings showing that the court had jurisdiction of the cause and of the parties;

63 (2) Findings showing that the child was represented by counsel;

64 (3) Findings showing that the hearing was held in the presence of the child and his
65 counsel; and

66 (4) Findings showing the reasons underlying the court's decision to transfer jurisdiction.

67 8. A copy of the petition and order of the dismissal shall be sent to the prosecuting
68 attorney.

69 9. When a petition has been dismissed thereby permitting a child to be prosecuted under
70 the general law, the jurisdiction of the juvenile court over that child is forever terminated, except
71 as provided in subsection 10 of this section, for an act that would be a violation of a state law
72 or municipal ordinance.

73 10. If a petition has been dismissed thereby permitting a child to be prosecuted under
74 the general law and the child is found not guilty by a court of general jurisdiction, the juvenile
75 court shall have jurisdiction over any later offense committed by that child which would be
76 considered a misdemeanor or felony if committed by an adult, subject to the certification
77 provisions of this section.

78 11. If the court does not dismiss the petition to permit the child to be prosecuted under
79 the general law, it shall set a date for the hearing upon the petition as provided in section
80 211.171.

211.091. 1. The petition shall be entitled "In the interest of, a child under
2 seventeen years of age"[. If a petition is filed pursuant to the provisions of subdivision (1) of
3 subsection 1 of section 211.031, the petition shall be entitled] **or** "In the interest of, a
4 child [under] seventeen years of age" or "In the interest of, a person seventeen years
5 of age" **as appropriate to the subsection of section 211.031 that provides the basis for the**
6 **filing of the petition.**

7 2. The petition shall set forth plainly:

8 (1) The facts which bring the child or person seventeen years of age within the
9 jurisdiction of the court;

10 (2) The full name, birth date, and residence of the child or person seventeen years of age;

11 (3) The names and residence of his **or her** parents, if living;

12 (4) The name and residence of his **or her** legal guardian if there be one, of the person
13 having custody of the child or person seventeen years of age or of the nearest known relative if
14 no parent or guardian can be found; and

15 (5) Any other pertinent data or information.

16 3. If any facts required in subsection 2 of this section are not known by the petitioner,
17 the petition shall so state.

18 4. Prior to the voluntary dismissal of a petition filed under this section, the juvenile
19 officer shall assess the impact of such dismissal on the best interests of the child, and shall take
20 all actions practicable to minimize any negative impact.

211.321. 1. Records of juvenile court proceedings as well as all information obtained
2 and social records prepared in the discharge of official duty for the court shall not be open to
3 inspection or their contents disclosed, except by order of the court to persons having a legitimate
4 interest therein, unless a petition or motion to modify is sustained which charges the child with
5 an offense which, if committed by an adult, would be a class A felony under the criminal code
6 of Missouri, or capital murder, first degree murder, or second degree murder or except as
7 provided in subsection 2 of this section. In addition, whenever a report is required under section
8 557.026, RSMo, there shall also be included a complete list of certain violations of the juvenile
9 code for which the defendant had been adjudicated a delinquent while a juvenile. This list shall
10 be made available to the probation officer and shall be included in the presentence report. The
11 violations to be included in the report are limited to the following: rape, sodomy, murder,
12 kidnapping, robbery, arson, burglary or any acts involving the rendering or threat of serious
13 bodily harm. The supreme court may promulgate rules to be followed by the juvenile courts in
14 separating the records.

15 2. In all proceedings under subdivision (2) of subsection 1 of section 211.031, the
16 records of the juvenile court as well as all information obtained and social records prepared in
17 the discharge of official duty for the court shall be kept confidential and shall be open to
18 inspection only by order of the judge of the juvenile court or as otherwise provided by statute.
19 In all proceedings under subdivision (3) of subsection 1 of section 211.031 the records of the
20 juvenile court as well as all information obtained and social records prepared in the discharge
21 of official duty for the court shall be kept confidential and may be open to inspection without
22 court order only as follows:

23 (1) The juvenile officer is authorized at any time:

24 (a) To provide information to or discuss matters concerning the child, the violation of
25 law or the case with the victim, witnesses, officials at the child's school, law enforcement
26 officials, prosecuting attorneys, any person or agency having or proposed to have legal or actual
27 care, custody or control of the child, or any person or agency providing or proposed to provide
28 treatment of the child. Information received pursuant to this paragraph shall not be released to
29 the general public, but shall be released only to the persons or agencies listed in this paragraph;

30 (b) To make public information concerning the offense, the substance of the petition,
31 the status of proceedings in the juvenile court and any other information which does not
32 specifically identify the child or the child's family;

33 (2) After a child has been adjudicated delinquent pursuant to subdivision (3) of
34 subsection 1 of section 211.031, for an offense which would be a felony if committed by an

35 adult, the records of the dispositional hearing and proceedings related thereto shall be open to
36 the public to the same extent that records of criminal proceedings are open to the public.
37 However, the social summaries, investigations or updates in the nature of presentence
38 investigations, and status reports submitted to the court by any treating agency or individual after
39 the dispositional order is entered shall be kept confidential and shall be opened to inspection
40 only by order of the judge of the juvenile court;

41 (3) As otherwise provided by statute;

42 (4) In all other instances, only by order of the judge of the juvenile court.

43 3. Peace officers' records, if any are kept, of children shall be kept separate from the
44 records of persons seventeen years of age or over and shall not be open to inspection or their
45 contents disclosed, except by order of the court. [This] **However, a law enforcement agency**
46 **that maintains closed records of children may communicate information contained in those**
47 **records, including the identity or other relevant information pertaining to that child, to**
48 **another law enforcement agency, by letter, memorandum, teletype or intelligence alert**
49 **bulletin or other means. Any information shared between law enforcement agencies under**
50 **this subsection shall comply with 28 CFR Part 23 governing criminal intelligence systems**
51 **operating policies and shall remain confidential unless otherwise provided by law. Any**
52 **person who knowingly shares closed peace officers' records of a child other than as**
53 **authorized by law is guilty of a class A misdemeanor.**

54 4. Subsection 3 of this section does not apply to children who are transferred to courts
55 of general jurisdiction as provided by section 211.071 or to juveniles convicted under the
56 provisions of sections 578.421 to 578.437, RSMo. This subsection does not apply to the
57 inspection or disclosure of the contents of the records of peace officers for the purpose of
58 pursuing a civil forfeiture action pursuant to the provisions of section 195.140, RSMo.

59 [4.] 5. Nothing in this section shall be construed to prevent the release of information
60 and data to persons or organizations authorized by law to compile statistics relating to juveniles.
61 The court shall adopt procedures to protect the confidentiality of children's names and identities.

62
63 [5.] 6. The court may, either on its own motion or upon application by the child or his
64 representative, or upon application by the juvenile officer, enter an order to destroy all social
65 histories, records, and information, other than the official court file, and may enter an order to
66 seal the official court file, as well as all peace officers' records, at any time after the child has
67 reached his seventeenth birthday if the court finds that it is in the best interest of the child that
68 such action or any part thereof be taken, unless the jurisdiction of the court is continued beyond
69 the child's seventeenth birthday, in which event such action or any part thereof may be taken by
70 the court at any time after the closing of the child's case.

71 [6.] 7. Nothing in this section shall be construed to prevent the release of general
72 information regarding the informal adjustment or formal adjudication of the disposition of a
73 child's case to a victim or a member of the immediate family of a victim of any offense
74 committed by the child. Such general information shall not be specific as to location and
75 duration of treatment or detention or as to any terms of supervision.

76 [7.] 8. Records of juvenile court proceedings as well as all information obtained and
77 social records prepared in the discharge of official duty for the court shall be disclosed to the
78 child fatality review panel reviewing the child's death pursuant to section 210.192, RSMo, unless
79 the juvenile court on its own motion, or upon application by the juvenile officer, enters an order
80 to seal the records of the victim child.

217.450. 1. Any person confined in a department correctional facility may request a
2 final disposition of any untried indictment, information or complaint pending in this state on the
3 basis of which **a law enforcement agency, prosecuting attorney's office, or circuit attorney's**
4 **office has delivered a certified copy of a warrant and has requested that** a detainer [has
5 been] **be** lodged against [him while so imprisoned] **such person with the facility where the**
6 **offender is confined.** The request shall be in writing addressed to the court in which the
7 indictment, information or complaint is pending and to the prosecuting attorney charged with
8 the duty of prosecuting it, and shall set forth the place of imprisonment.

9 2. **When the director receives a certified copy of a warrant and a written request**
10 **by the issuing agency to place a detainer, the director shall lodge a detainer in favor of the**
11 **requesting agency.** The director shall promptly inform each offender in writing of the source
12 and nature of any untried indictment, information or complaint for which a detainer has been
13 lodged against [him] **such offender** of which the director has knowledge, and of [his] **the**
14 **offender's** right to make a request for final disposition of such indictment, information or
15 complaint on which the detainer is based.

16 3. Failure of the director to [inform an offender, as required by this section, within one
17 year after a detainer has been filed at the facility shall entitle him to a final dismissal of the
18 indictment, information or complaint with prejudice] **comply with this section shall not be the**
19 **basis for dismissing the indictment, information, or complaint unless the court also finds**
20 **that the offender has been denied his or her constitutional right to a speedy trial.**

217.827. As used in sections 217.825 to 217.841, the following terms shall mean:

2 (1) (a) "Assets", property, tangible or intangible, real or personal, belonging to or due
3 an offender or a former offender, including income or payments to such offender from Social
4 Security, workers' compensation, veterans' compensation, pension benefits, previously earned
5 salary or wages, bonuses, annuities, retirement benefits, **gifts** or from any other source
6 whatsoever, including any of the following:

7 a. Money or other tangible assets received by the offender as a result of a settlement of
8 a claim against the state, any agency thereof, or any claim against an employee or independent
9 contractor arising from and in the scope of said employee's or contractor's official duties on
10 behalf of the state or any agency thereof;

11 b. A money judgment received by the offender from the state as a result of a civil action
12 in which the state, an agency thereof or any state employee or independent contractor where
13 such judgment arose from a claim arising from the conduct of official duties on behalf of the
14 state by said employee or subcontractor or for any agency of the state;

15 c. A current stream of income from any source whatsoever, including a salary, wages,
16 disability, retirement, pension, insurance or annuity benefits or similar payments;

17 (b) "Assets" shall not include:

18 a. The homestead of the offender up to fifty thousand dollars in value;

19 b. Money saved by the offender from wages and bonuses up to two thousand five
20 hundred dollars paid the offender while he or she was confined to a state correctional center;

21 (2) "Cost of care", the cost to the department of corrections for providing transportation,
22 room, board, clothing, security, medical, and other normal living expenses of offenders under
23 the jurisdiction of the department, as determined by the director of the department;

24 (3) "Department", the department of corrections of this state;

25 (4) "Director", the director of the department;

26 (5) "Offender", any person who is under the jurisdiction of the department and is
27 confined in any state correctional center or is under the continuing jurisdiction of the
28 department;

29 (6) "State correctional center", a facility or institution which houses an offender
30 population under the jurisdiction of the department. State correctional center includes a
31 correctional camp, community correction center, honor center, or state prison.

217.831. 1. The director shall forward to the attorney general a report on each offender
2 containing a completed form pursuant to the provisions of section 217.829 together with all other
3 information available on the assets of the offender and an estimate of the total cost of care for
4 that offender.

5 2. The attorney general may investigate or cause to be investigated all reports furnished
6 pursuant to the provisions of subsection 1 of this section. This investigation may include
7 seeking information from any source that may have relevant information concerning an
8 offender's assets. The director shall provide all information possessed by the department and
9 its divisions and agencies, upon request of the attorney general, in order to assist the attorney
10 general in completing his duties pursuant to sections 217.825 to 217.841.

11 3. If the attorney general upon completing the investigation under subsection 2 of this
12 section has good cause to believe that [an offender or former offender has sufficient assets to

13 recover not less than ten percent of the estimated cost of care of the offender or ten percent of
14 the estimated cost of care of the offender for two years, whichever is less, or has a stream of
15 income sufficient to pay such amounts within a five-year period] **filing a petition under section**
16 **217.835 would be cost effective**, the attorney general [may] **shall** seek to secure reimbursement
17 for the expense of the state of Missouri for the cost of care of such offender or former offender.

18 4. The attorney general, or any prosecuting attorney on behalf of the attorney general,
19 shall not bring an action pursuant to this section against an offender or former offender after the
20 expiration of five years after [his] **the offender's** release from the jurisdiction of the department.

**267.165. 1. The department of agriculture shall not participate in any national
2 animal identification program that may be required under the national animal
3 identification system (NAIS) administered program by the United States Department of
4 Agriculture without specific authorization from the general assembly, except for the
5 purpose of serving as a registration agent for private marketing programs that require
6 NAIS premise identification.**

7 **2. Nothing in this section shall be construed as prohibiting the department of
8 agriculture from participating in any voluntary or private animal identification program
9 for the sole purpose of adding value to Missouri livestock.**

287.067. 1. In this chapter the term "occupational disease" is hereby defined to mean,
2 unless a different meaning is clearly indicated by the context, an identifiable disease arising with
3 or without human fault out of and in the course of the employment. Ordinary diseases of life to
4 which the general public is exposed outside of the employment shall not be compensable, except
5 where the diseases follow as an incident of an occupational disease as defined in this section.
6 The disease need not to have been foreseen or expected but after its contraction it must appear
7 to have had its origin in a risk connected with the employment and to have flowed from that
8 source as a rational consequence.

9 2. An injury by occupational disease is compensable only if the occupational exposure
10 was the prevailing factor in causing both the resulting medical condition and disability. The
11 "prevailing factor" is defined to be the primary factor, in relation to any other factor, causing
12 both the resulting medical condition and disability. Ordinary, gradual deterioration, or
13 progressive degeneration of the body caused by aging or by the normal activities of day-to-day
14 living shall not be compensable.

15 3. An injury due to repetitive motion is recognized as an occupational disease for
16 purposes of this chapter. An occupational disease due to repetitive motion is compensable only
17 if the occupational exposure was the prevailing factor in causing both the resulting medical
18 condition and disability. The "prevailing factor" is defined to be the primary factor, in relation
19 to any other factor, causing both the resulting medical condition and disability. Ordinary,

20 gradual deterioration, or progressive degeneration of the body caused by aging or by the normal
21 activities of day-to-day living shall not be compensable.

22 4. "Loss of hearing due to industrial noise" is recognized as an occupational disease for
23 purposes of this chapter and is hereby defined to be a loss of hearing in one or both ears due to
24 prolonged exposure to harmful noise in employment. "Harmful noise" means sound capable of
25 producing occupational deafness.

26 5. "Radiation disability" is recognized as an occupational disease for purposes of this
27 chapter and is hereby defined to be that disability due to radioactive properties or substances or
28 to Roentgen rays (X-rays) or exposure to ionizing radiation caused by any process involving the
29 use of or direct contact with radium or radioactive properties or substances or the use of or direct
30 exposure to Roentgen rays (X-rays) or ionizing radiation.

31 6. Disease of the lungs or respiratory tract, hypotension, hypertension, or disease of the
32 heart or cardiovascular system, including carcinoma, may be recognized as occupational diseases
33 for the purposes of this chapter and are defined to be disability due to exposure to smoke, gases,
34 carcinogens, inadequate oxygen, of paid firefighters of a paid fire department or paid police
35 officers of a paid police department certified under chapter 590, RSMo, if a direct causal
36 relationship is established, or psychological stress of firefighters of a paid fire department **or**
37 **paid police officers of a paid police department under chapter 590, RSMo**, if a direct causal
38 relationship is established.

39 7. Any employee who is exposed to and contracts any contagious or communicable
40 disease arising out of and in the course of his or her employment shall be eligible for benefits
41 under this chapter as an occupational disease.

42 8. With regard to occupational disease due to repetitive motion, if the exposure to the
43 repetitive motion which is found to be the cause of the injury is for a period of less than three
44 months and the evidence demonstrates that the exposure to the repetitive motion with the
45 immediate prior employer was the prevailing factor in causing the injury, the prior employer
46 shall be liable for such occupational disease.

290.505. 1. No employer shall employ any of his employees for a workweek longer than
2 forty hours unless such employee receives compensation for his employment in excess of the
3 hours above specified at a rate not less than one and one-half times the regular rate at which he
4 is employed.

5 2. Employees of an amusement or recreation business that meets the criteria set out in
6 29 U.S.C. § 213(a) (3) must be paid one and one-half times their regular compensation for any
7 hours worked in excess of fifty-two hours in any one-week period.

8 3. With the exception of employees described in subsection (2), the overtime
9 requirements of subsection (1) shall not apply to employees who are exempt from federal
10 minimum wage or overtime requirements [pursuant to 29 U.S.C. §§ 213(a)-(b)] **including, but**

11 **not limited to, the exemptions or hour calculation formulas specified in 29 U.S.C. Sections**
12 **207 and 213, and any regulations promulgated thereunder.**

13 **4. Except as may be otherwise provided under sections 290.500 to 290.530, this**
14 **section shall be interpreted in accordance with the Fair Labor Standards Act, 29 U.S.C.**
15 **Section 201, et seq., as amended, and the Portal to Portal Act, 29 U.S.C. Section 251, et**
16 **seq., as amended, and any regulations promulgated thereunder.**

290.531. The department of labor and industrial relations shall promulgate rules
2 **to implement the provisions of sections 290.500 to 290.530. Any rule or portion of a rule,**
3 **as that term is defined in section 536.010, RSMo, that is created under the authority**
4 **delegated in this section shall become effective only if it complies with and is subject to all**
5 **of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This**
6 **section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the**
7 **general assembly under chapter 536, RSMo, to review, to delay the effective date, or to**
8 **disapprove and annul a rule are subsequently held unconstitutional, then the grant of**
9 **rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be**
10 **invalid and void.**

302.341. If a Missouri resident charged with a moving traffic violation of this state or
2 any county or municipality of this state fails to dispose of the charges of which he is accused
3 through authorized prepayment of fine and court costs and fails to appear on the return date or
4 at any subsequent date to which the case has been continued, or without good cause fails to pay
5 any fine or court costs assessed against him for any such violation within the period of time
6 specified or in such installments as approved by the court or as otherwise provided by law, any
7 court having jurisdiction over the charges shall within ten days of the failure to comply inform
8 the defendant by ordinary mail at the last address shown on the court records that the court will
9 order the director of revenue to suspend the defendant's driving privileges if the charges are not
10 disposed of and fully paid within thirty days from the date of mailing. Thereafter, if the
11 defendant fails to timely act to dispose of the charges and fully pay any applicable fines and
12 court costs, the court shall notify the director of revenue of such failure and of the pending
13 charges against the defendant. Upon receipt of this notification, the director shall suspend the
14 license of the driver, effective immediately, and provide notice of the suspension to the driver
15 at the last address for the driver shown on the records of the department of revenue. Such
16 suspension shall remain in effect until the court with the subject pending charge requests setting
17 aside the noncompliance suspension pending final disposition, or satisfactory evidence of
18 disposition of pending charges and payment of fine and court costs, if applicable, is furnished
19 to the director by the individual. Upon proof of disposition of charges and payment of fine and
20 court costs, if applicable, and payment of the reinstatement fee as set forth in section 302.304,
21 the director shall [reinstate] **return the license and remove the suspension from the**

22 **individual's driving record.** The filing of financial responsibility with the bureau of safety
23 responsibility, department of revenue, shall not be required as a condition of reinstatement of
24 a driver's license suspended solely under the provisions of this section. If any city, town or
25 village receives more than forty-five percent of its total annual revenue from fines for traffic
26 violations occurring on state highways, all revenues from such violations in excess of forty-five
27 percent of the total annual revenue of the city, town or village shall be sent to the director of the
28 department of revenue and shall be distributed annually to the schools of the county in the same
29 manner that proceeds of all penalties, forfeitures and fines collected for any breach of the penal
30 laws of the state are distributed. For the purpose of this section the words "state highways" shall
31 mean any state or federal highway, including any such highway continuing through the
32 boundaries of a city, town or village with a designated street name other than the state highway
33 number.

317.006. 1. The division shall have general charge and supervision of all professional
2 boxing, sparring, professional wrestling, professional kickboxing and professional full-contact
3 karate contests held in the state of Missouri, and it shall have the power, and it shall be its duty:

4 (1) To make and publish rules governing in every particular professional boxing,
5 sparring, professional wrestling, professional kickboxing [and] , professional full-contact karate
6 contests **and professional and amateur mixed martial arts;**

7 (2) To make and publish rules governing the approval of amateur sanctioning bodies;

8 (3) To accept applications for and issue licenses to contestants in professional boxing,
9 sparring, professional wrestling, professional kickboxing and professional full-contact karate
10 contests held in the state of Missouri, and referees, judges, matchmakers, managers, promoters,
11 seconds, announcers, timekeepers and physicians involved in professional boxing, sparring,
12 professional wrestling, professional kickboxing and professional full-contact karate contests held
13 in the state of Missouri, as authorized herein. Such licenses shall be issued in accordance with
14 rules duly adopted by the division;

15 (4) To charge fees to be determined by the director and established by rule for every
16 license issued and to assess a tax of five percent of the gross receipts of any person,
17 organization, corporation, partnership, limited liability company, or association holding a
18 promoter's license and permit under sections 317.001 to 317.021, derived from admission
19 charges connected with or as an incident to the holding of any professional boxing, sparring,
20 professional wrestling, professional kickboxing or professional full-contact karate contest in the
21 state of Missouri. Such funds shall be paid to the division of professional registration which
22 shall pay said funds into the Missouri state treasury to be set apart into a fund to be known as
23 the "Athletic Fund" which is hereby established;

24 (5) To assess a tax of five percent of the gross receipts of any person, organization,
25 corporation, partnership, limited liability company or association holding a promoter's license

26 under sections 317.001 to 317.021 derived from the sale, lease or other exploitation in this state
27 of broadcasting, television, pay-per-view, closed-circuit telecast, and motion picture rights for
28 any professional boxing, sparring, professional wrestling, professional kickboxing or
29 professional full-contact karate contest. Such funds shall be paid to the division which shall pay
30 said funds into the Missouri state treasury to be set apart into a fund to be known as the "Athletic
31 Fund";

32 (6) Each cable television system operator whose pay-per-view or closed-circuit facilities
33 are utilized to telecast a bout or contest shall, within thirty calendar days following the date of
34 the telecast, file a report with the office stating the number of orders sold and the price per order.

35 2. All fees established pursuant to sections 317.001 to 317.021 shall be determined by
36 the director by rule in such amount as to produce sufficient revenue to fund the necessary
37 expenses and operating costs incurred in the administration of the provisions of sections 317.001
38 to 317.021. All expenses shall be paid as otherwise provided by law.

317.011. 1. The division shall have the power, and it shall be its duty, to accept
2 application for and issue permits to hold professional boxing, sparring, professional wrestling,
3 professional kickboxing [or] , professional full-contact karate, **or professional and amateur**
4 **mixed martial arts** contests in the state of Missouri, and to charge a fee for the issuance of same
5 in an amount established by rule; such funds to be paid to the division which shall pay such
6 funds into the Missouri state treasury to be set apart into the athletic fund.

7 2. The provisions of section 33.080, RSMo, to the contrary notwithstanding, money in
8 this fund shall not be transferred and placed to the credit of general revenue until the amount in
9 the fund at the end of the biennium exceeds two times the amount of the appropriation from the
10 fund for the preceding fiscal year or, if the division requires by rule renewal less frequently than
11 yearly then three times the appropriation from the fund for the preceding fiscal year. The
12 amount, if any, in the fund which shall lapse is that amount in the fund which exceeds the
13 appropriate multiple of the appropriations from the fund for the preceding fiscal year.

14 3. The division shall not grant any permit to hold professional boxing, sparring,
15 professional wrestling, professional kickboxing or professional full-contact karate contests in
16 the state of Missouri except:

17 (1) Where such professional boxing, sparring, professional wrestling, professional
18 kickboxing or professional full-contact karate contest is to be held under the auspices of a
19 promoter duly licensed by the division; and

20 (2) Where a fee has been paid for such permit, in an amount established by rule; **and**

21 (3) **Where all of the contestants in any amateur or professional mixed martial arts**
22 **contest are eighteen years of age or older. No owner of real property shall lease any**
23 **building, house, or apartment to any individual who sponsors, allows, or otherwise permits**

24 **any amateur or professional mixed martial arts contests on the premises unless the lessee**
25 **complies with the provisions of this subdivision.**

26 4. In such contests a decision shall be rendered by three judges licensed by the division,
27 **except as otherwise provided by the office by rule.**

28 5. **Except as otherwise provided herein,** specifically exempted from the provisions of
29 this chapter are contests or exhibitions for amateur boxing, amateur kickboxing, amateur
30 wrestling and amateur full-contact karate. However, all amateur boxing, amateur kickboxing,
31 amateur wrestling and amateur full-contact karate must be sanctioned by a nationally recognized
32 amateur sanctioning body approved by the office.

317.015. 1. Any person wishing to make a complaint against a licensee under sections
2 317.001 to 317.014 shall file the written complaint with the division setting forth supporting
3 details. If the division determines that the charges warrant a hearing to ascertain whether the
4 licensee shall be disciplined, it shall file a complaint with the administrative hearing commission
5 as provided in chapter 621, RSMo. Any person holding more than one license issued by the
6 division and disciplined under one license will automatically be disciplined under all licenses.

7 2. (1) The division may refuse to issue any permit or license pursuant to this chapter for
8 one or any combination of reasons stated in paragraphs (a) through (m) of subdivision (2) of this
9 subsection. The division shall notify the applicant in writing of the reasons for the refusal and
10 shall advise the applicant of their rights to file a complaint or an appeal with the administrative
11 hearing commission as provided in chapter 621, RSMo.

12 (2) The division may file a complaint with the administrative hearing commission, as
13 provided in chapter 621, RSMo, against any holder of any permit or license issued pursuant to
14 this chapter, or against any person who has failed to renew or has surrendered their permit or
15 license, for any one or more of the following reasons:

16 (a) Use of an alcoholic beverage or any controlled substance, as defined in chapter 195,
17 RSMo, before or during a bout;

18 (b) The person has been found guilty or has entered a plea of guilty or nolo contendere
19 in a criminal prosecution under any state or federal law for any offense reasonably related to the
20 qualifications, functions or duties of any profession licensed or regulated under this chapter, for
21 any offense an essential element of which is fraud, dishonesty or an act of violence, or for any
22 offense involving moral turpitude, whether or not a sentence is imposed;

23 (c) Use of fraud, deception, misrepresentation or bribery in securing any permit or
24 license issued pursuant to this chapter;

25 (d) Providing false information on applications or medical forms;

26 (e) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty
27 in the performing of the functions or duties of any profession licensed or regulated by this
28 chapter;

29 (f) Violating or enabling any person to violate any provision of this chapter or any rule
30 adopted pursuant to this chapter;

31 (g) Impersonating any permit or license holder or allowing any person to use their permit
32 or license;

33 (h) Contestants failing to put forth their best effort during a bout;

34 (i) Disciplinary action against the holder of a license or other right to practice any
35 profession regulated by this chapter and issued by another state, territory, federal agency or
36 country upon grounds for which revocation or suspension is authorized in this state;

37 (j) A person adjudged mentally incompetent by a court of competent jurisdiction;

38 (k) Use of any advertisement or solicitation which is false, misleading or deceptive to
39 the general public or persons to whom the advertisement or solicitation is primarily directed;

40 (l) Use of foul or abusive language or mannerisms or threats of physical harm by any
41 person associated with any bout or contest licensed pursuant to this chapter; [or]

42 (m) Issuance of a permit or license based upon a mistake of fact; or

43 **(n) Permitting participation by a person less than eighteen years of age in an**
44 **amateur or professional mixed martial arts contest in violation of subdivision (3) of**
45 **subsection 3 of section 317.011.**

46 (3) After the complaint is filed, the proceeding shall be conducted in accordance with
47 the provisions of chapter 621, RSMo. If the administrative hearing commission finds that a
48 person has violated one or more of the grounds as provided in paragraphs (a) through (m) of
49 subdivision (2) of this subsection, the division may censure or place the person named in the
50 complaint on probation on appropriate terms and conditions for a period not to exceed five years,
51 may suspend the person's license for a period not to exceed three years, or may revoke the
52 person's license.

53 3. Upon a finding that the grounds provided in subsection 2 of this section for
54 disciplinary action are met, the office may, singly or in combination, censure or place on
55 probation on such terms and conditions as the office deems appropriate for a period not to
56 exceed five years, or may suspend for a period not to exceed three years or revoke the certificate,
57 license, or permit. In any order of revocation, the office may provide that the person shall not
58 apply for a new license for a maximum of three years and one day following the date of the order
59 of revocation. All stay orders shall toll the disciplinary time periods allotted herein. In lieu of
60 or in addition to any remedy specifically provided in subsection 1 of this section, the office may
61 require of a licensee:

62 (1) Satisfactory completion of medical testing and/or rehabilitation programs as the
63 office may specify; and/or

64 (2) A review conducted as the office may specify and satisfactory completion of medical
65 testing and/or rehabilitation programs as the office may specify.

347.179. The secretary shall charge and collect:

(1) For filing the original articles of organization, a fee of one hundred dollars;

(2) **For filing the original articles of organization online, in an electronic format prescribed by the secretary of state, a fee of forty-five dollars;**

(3) Applications for registration of foreign limited liability companies and issuance of a certificate of registration to transact business in this state, a fee of one hundred dollars;

[(3)] (4) Amendments to and restatements of articles of limited liability companies to application for registration of a foreign limited liability company or any other filing otherwise provided for, a fee of twenty dollars;

[(4)] (5) Articles of termination of limited liability companies or cancellation of registration of foreign limited liability companies, a fee of twenty dollars;

[(5)] (6) For filing notice of merger or consolidation, a fee of twenty dollars;

[(6)] (7) For filing a notice of winding up, a fee of twenty dollars;

[(7)] (8) For issuing a certificate of good standing, a fee of five dollars;

[(8)] (9) For a notice of the abandonment of merger or consolidation, a fee of twenty dollars;

[(9)] (10) For furnishing a copy of any document or instrument, a fee of fifty cents per page;

[(10)] (11) For accepting an application for reservation of a name, or for filing a notice of the transfer or cancellation of any name reservation, a fee of twenty dollars;

[(11)] (12) For filing a statement of change of address of registered office or registered agent, or both, a fee of five dollars;

[(12)] (13) For any service of notice, demand, or process upon the secretary as resident agent of a limited liability company, a fee of twenty dollars, which amount may be recovered as taxable costs by the party instituting such suit, action, or proceeding causing such service to be made if such party prevails therein;

[(13)] (14) For filing an amended certificate of registration a fee of twenty dollars; and

[(14)] (15) For filing a statement of correction a fee of five dollars.

351.047. The secretary of state may prescribe and furnish on request forms for all documents required or permitted to be filed by this chapter. The use of the following forms is mandatory:

(1) A foreign corporation's application for a certificate of authority to do business in this state;

(2) A foreign corporation's application for a certificate of withdrawal;

(3) A corporation's [annual] **corporate registration** report.

351.120. 1. Every corporation organized pursuant to the laws of this state, including corporations organized pursuant to or subject to this chapter, and every foreign corporation

3 licensed to do business in this state, whether such license shall have been issued pursuant to this
4 chapter or not, other than corporations exempted from taxation by the laws of this state, shall file
5 [an annual corporation] **a corporate** registration report.

6 2. The [annual] corporate registration report shall state the corporate name, the name of
7 its registered agent and such agent's Missouri **physical** address, giving street and number, or
8 building and number, or both, as the case may require, the name and correct business or
9 residence address of its officers and directors, and the mailing address of the corporation's
10 principal place of business or corporate headquarters.

11 3. The [annual] corporate registration report shall **be filed annually, except as provided**
12 **in section 351.122, and shall** be due the month that the corporation incorporated or qualified,
13 **unless changed by the corporation under subsection 8 of this section.** Corporations existing
14 prior to July 1, 2003, shall file the [annual] **corporate** registration report on the month indicated
15 on the corporation's last [annual] **corporate registration** report. Corporations formed on or
16 after July 1, 2003, shall file [an annual] **a corporate** registration report within thirty days of the
17 date of incorporation or qualification and every year thereafter, **except as provided in section**
18 **351.122, in the month that they were incorporated or qualified, unless such month is changed**
19 **by the corporation under subsection 8 of this section.**

20 4. The [annual] **corporate** registration report shall be signed by an officer or authorized
21 person.

22 5. In the event of any error in the names and addresses of the officers and directors set
23 forth in [an annual] **a corporate** registration report, the corporation may correct such
24 information by filing a certificate of correction pursuant to section 351.049.

25 6. A corporation may change the corporation's registered office or registered agent with
26 the filing of the corporation's [annual] **corporate** registration report. To change the
27 corporation's registered agent with the filing of the [annual] **corporate** registration report, the
28 corporation must include the new registered agent's written consent to the appointment as
29 registered agent and a written consent stating that such change in registered agents was
30 authorized by resolution duly adopted by the board of directors. The written consent must be
31 signed by the new registered agent and must include such agent's address. If the [annual]
32 corporate registration report is not completed correctly, the secretary of state may reject the
33 filing of such report.

34 7. A corporation's [annual] **corporate** registration report must be filed in a format as
35 prescribed by the secretary of state.

36 8. **A corporation may change the month of its corporate registration report in the**
37 **corporation's initial corporate registration report or a subsequent report. To change its**
38 **filing month, a corporation shall designate the desired month in its corporate registration**
39 **report and include with that report an additional fee of twenty dollars. After a corporation**

40 registration report designating a new filing month is filed by the secretary of state, the
41 corporation's next corporate registration report shall be filed in the newly designated
42 month in the next year in which a report is due under subsection 3 of this section or under
43 section 351.122. This subsection shall become effective January 1, 2009.

351.122. 1. Notwithstanding the provisions of section 351.120 to the contrary,
2 beginning January 1, 2009, the secretary of state may provide corporations the option of
3 biennially filing corporate registration reports. Any corporation incorporated or qualified
4 in an even-numbered year may file a biennial corporate registration report only in an
5 even-numbered calendar year, and any corporation incorporated or qualified in an odd-
6 numbered year may file a biennial corporate registration report only in an odd-numbered
7 calendar year, subject to the following requirements:

8 (1) The fee paid at the time of biennial registration shall be eighty dollars if the
9 report is filed in a written format. The fee shall be thirty dollars if the report is filed via
10 an electronic format prescribed by the secretary of state;

11 (2) A corporation's biennial corporate registration report shall be filed in a format
12 as prescribed by the secretary of state;

13 (3) The secretary of state may collect an additional fee of ten dollars for each
14 biennial corporate registration report filed under this section. Such fee shall be deposited
15 into the state treasury and credited to the secretary of state's technology trust fund
16 account.

17 2. Once a corporation chooses the option of biennial registration, such registration
18 shall be maintained for the full twenty-four month period. Once the twenty-four month
19 period has expired and another corporate registration report is due, a corporation may
20 choose to file an annual registration report under section 351.120. However, upon making
21 such choice the corporation may later only choose to file a biennial corporate registration
22 report in a year appropriate under subsection 1 of this section, based on the year in which
23 the corporation was incorporated.

24 3. The secretary of state may promulgate rules for the effective administration of
25 this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,
26 that is created under the authority delegated in this section shall become effective only if
27 it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if
28 applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable
29 and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,
30 to review, to delay the effective date, or to disapprove and annul a rule are subsequently
31 held unconstitutional, then the grant of rulemaking authority and any rule proposed or
32 adopted after August 28, 2008, shall be invalid and void.

351.125. Every corporation required to register under the provisions of this chapter shall
2 pay to the state a fee of forty dollars for its [annual] **corporate** registration if the report is filed
3 in a written format. The fee is fifteen dollars for each [annual] **corporate** registration report
4 filed via an electronic format prescribed by the secretary of state. **Biennial corporate**
5 **registration reports filed under section 351.122 shall require the fee prescribed in that**
6 **section.** If a corporation fails to file a corporation registration report when due, it shall be
7 assessed, in addition to its regular registration fee, a late fee of fifteen dollars for each thirty-day
8 period within which the registration report is filed whether in writing or in an electronic format.
9 If the registration report is not filed within ninety days, [the corporation shall forfeit its charter]
10 **the secretary of state may proceed with administrative dissolution of such corporation**
11 **under sections 351.484 and 351.486.**

351.127. The secretary of state may collect an additional fee of five dollars on each and
2 every fee required in this chapter, **provided that the secretary of state may collect an**
3 **additional fee of ten dollars on each corporate registration report fee filed under section**
4 **351.122.** All fees collected as provided in this section shall be deposited in the state treasury and
5 credited to the secretary of state's technology trust fund account. The provisions of this section
6 shall expire on December 31, 2009.

351.145. It shall be the duty of the secretary of state to send notice that the [annual]
2 corporate registration report is due to each corporation in this state required to register. The
3 notice shall be directed to its registered office as disclosed originally by its articles of
4 incorporation or by its application for a certificate of authority to transact business in this state
5 and thereafter as disclosed by its **immediately preceding corporate** registration [for the year
6 preceding] **report**, as provided by law. The secretary of state may provide a form of the
7 [annual] corporate registration report for filing in a format and medium prescribed by the
8 secretary of state.

351.155. It shall be the duty of the secretary of state to furnish forms of [annual]
2 corporate registration reports to any corporation upon request to any representative of the
3 corporation, but no such form of the [annual] corporate registration report shall be furnished
4 unless the name of the corporation for which [they are] **it is** desired shall accompany the request.

351.408. 1. As used in this section, the term "other entity" means a limited liability
2 **company, statutory trust, common law trust, or any other unincorporated business**
3 **including a partnership (whether general (including a limited liability partnership) or**
4 **limited), or a foreign corporation.**

5 **2. Any other entity may convert to a corporation of this state by complying with**
6 **subsection 8 of this section and filing in the office of the secretary of state:**

7 **(1) A certificate of conversion to corporation that has been executed in accordance**
8 **with subsection 9 of this section and filed in accordance with section 351.046; and**

9 (2) Articles of incorporation that have been executed, acknowledged and filed in
10 accordance with section 351.046.

11 3. The certificate of conversion to corporation shall state:

12 (1) The date on which and jurisdiction where the other entity was first created,
13 incorporated, formed or otherwise came into being and, if it has changed, its jurisdiction
14 immediately prior to its conversion to a domestic corporation;

15 (2) The name of the other entity immediately prior to the filing of the certificate of
16 conversion to corporation; and

17 (3) The name of the corporation as set forth in its articles of incorporation filed in
18 accordance with subsection 2 of this section.

19 4. Upon the effective time of the certificate of conversion to corporation and the
20 articles of incorporation, the other entity shall be converted to a corporation of this state
21 and the corporation shall thereafter be subject to all of the provisions of this title, except
22 that notwithstanding section 351.075, the existence of the corporation shall be deemed to
23 have commenced on the date the other entity commenced its existence in the jurisdiction
24 in which the other entity was first created, formed, incorporated or otherwise came into
25 being.

26 5. The conversion of any other entity to a corporation of this state shall not be
27 deemed to affect any obligations or liabilities of the other entity incurred prior to its
28 conversion to a corporation of this state or the personal liability of any person incurred
29 prior to such conversion.

30 6. When another entity has been converted to a corporation of this state under this
31 section, the corporation of this state shall, for all purposes of the laws of the state of
32 Missouri, be deemed to be the same entity as the converting other entity. When any
33 conversion shall have become effective under this section, for all purposes of the laws of
34 the state of Missouri, all of the rights, privileges and powers of the other entity that has
35 converted, and all property, real, personal and mixed, and all debts due to such other
36 entity, as well as all other things and causes of action belonging to such other entity, shall
37 remain vested in the domestic corporation to which such other entity has converted and
38 shall be the property of such domestic corporation and the title to any real property vested
39 by deed or otherwise in such other entity shall not revert or be in any way impaired by
40 reason of this chapter; but all rights of creditors and all liens upon any property of such
41 other entity shall be preserved unimpaired, and all debts, liabilities and duties of the other
42 entity that has converted shall remain attached to the corporation of this state to which
43 such other entity has converted, and may be enforced against it to the same extent as if said
44 debts, liabilities and duties had originally been incurred or contracted by it in its capacity
45 as a corporation of this state. The rights, privileges, powers and interests in property of

46 the other entity, as well as the debts, liabilities and duties of the other entity, shall not be
47 deemed, as a consequence of the conversion, to have been transferred to the domestic
48 corporation to which such other entity has converted for any purpose of the laws of the
49 state of Missouri.

50 7. Unless otherwise agreed for all purposes of the laws of the state of Missouri or
51 as required under applicable non-Missouri law, the converting other entity shall not be
52 required to wind up its affairs or pay its liabilities and distribute its assets, and the
53 conversion shall not be deemed to constitute a dissolution of such other entity and shall
54 constitute a continuation of the existence of the converting other entity in the form of a
55 corporation of this state.

56 8. Prior to filing a certificate of conversion to corporation with the office of the
57 secretary of state, the conversion shall be approved in the manner provided for by the
58 document, instrument, agreement or other writing, as the case may be, governing the
59 internal affairs of the other entity and the conduct of its business or by applicable law, as
60 appropriate, and articles of incorporation shall be approved by the same authorization
61 required to approve the conversion.

62 9. The certificate of conversion to corporation shall be signed by any person who
63 is authorized to sign the certificate of conversion to corporation on behalf of the other
64 entity.

65 10. In connection with a conversion hereunder, rights or securities of, or interests
66 in, the other entity which is to be converted to a corporation of this state may be exchanged
67 for or converted into cash, property, or shares of stock, rights or securities of such
68 corporation of this state or, in addition to or in lieu thereof, may be exchanged for or
69 converted into cash, property, or shares of stock, rights or securities of or interests in
70 another domestic corporation or other entity or may be cancelled.

351.409. 1. A corporation of this state may, upon the authorization of such
2 conversion in accordance with this section, convert to a limited liability company, statutory
3 trust, common law trust or any other unincorporated business including a partnership
4 (whether general (including a limited liability partnership) or limited) or a foreign
5 corporation.

6 2. The board of directors of the corporation which desires to convert under this
7 section shall adopt a resolution approving such conversion, specifying the type of entity
8 into which the corporation shall be converted and recommending the approval of such
9 conversion by the shareholders of the corporation. Such resolution shall be submitted to
10 the shareholders of the corporation at an annual or special meeting. Due notice of the
11 time, and purpose of the meeting shall be mailed to each holder of stock, whether voting
12 or nonvoting, of the corporation at the address of the shareholder as it appears on the

13 records of the corporation, at least twenty days prior to the date of the meeting. At the
14 meeting, the resolution shall be considered and a vote taken for its adoption or rejection.
15 If all outstanding shares of stock of the corporation, whether voting or nonvoting, shall be
16 voted for the adoption of the resolution, the conversion shall be authorized.

17 **3. If a corporation shall convert in accordance with this section to another entity**
18 **organized, formed or created under the laws of a jurisdiction other than the state of**
19 **Missouri, the corporation shall file with the secretary of state a certificate of conversion**
20 **executed in accordance with section 351.046, which certifies:**

21 **(1) The name of the corporation, and if it has been changed, the name under which**
22 **it was originally incorporated;**

23 **(2) The date of filing of its original articles of incorporation with the secretary of**
24 **state;**

25 **(3) The name and jurisdiction of the entity to which the corporation shall be**
26 **converted;**

27 **(4) That the conversion has been approved in accordance with the provisions of this**
28 **section;**

29 **(5) The agreement of the corporation that it may be served with process in the state**
30 **of Missouri in any action, suit or proceeding for enforcement of any obligation of the**
31 **corporation arising while it was a corporation of this state, and that it irrevocably appoints**
32 **the secretary of state as its agent to accept service of process in any such action, suit or**
33 **proceeding; and**

34 **(6) The address to which a copy of the process referred to in subdivision (5) of this**
35 **subsection shall be mailed to it by the secretary of state. In the event of such service upon**
36 **the secretary of state in accordance with subdivision (5) of this subsection, the secretary**
37 **of state shall forthwith notify such corporation that has converted out of the state of**
38 **Missouri by letter, certified mail, return receipt requested, directed to such corporation**
39 **that has converted out of the state of Missouri at the address so specified, unless such**
40 **corporation shall have designated in writing to the secretary of state a different address**
41 **for such purpose, in which case it shall be mailed to the last address designated. Such**
42 **letter shall enclose a copy of the process and any other papers served on the secretary of**
43 **state under this subsection. It shall be the duty of the plaintiff in the event of such service**
44 **to serve process and any other papers in duplicate, to notify the secretary of state that**
45 **service is being effected under this subsection and to pay the secretary of state the sum of**
46 **fifty dollars for the use of the state, which sum shall be taxed as part of the costs in the**
47 **proceeding, if the plaintiff shall prevail therein. The secretary of state shall maintain an**
48 **alphabetical record of any such service setting forth the name of the plaintiff and the**
49 **defendant, the title, docket number and nature of the proceeding in which process has been**

50 served, the fact that service has been effected under this subsection, the return date
51 thereof, and the day and hour service was made. The secretary of state shall not be
52 required to retain such information longer than five years from receipt of the service of
53 process.

54 **4. Upon the filing in the office of the secretary of state of a certificate of conversion**
55 **to a non-Missouri entity in accordance with subsection 3 of this section or upon the future**
56 **effective date or time of the certificate of conversion to a non-Missouri entity and payment**
57 **to the secretary of state of all fees prescribed under this chapter, the secretary of state shall**
58 **certify that the corporation has filed all documents and paid all fees required by this**
59 **chapter, and thereupon the corporation shall cease to exist as a corporation of this state**
60 **at the time the certificate of conversion becomes effective in accordance with section**
61 **351.075. Such certificate of the secretary of state shall be prima facie evidence of the**
62 **conversion by such corporation out of the state of Missouri.**

63 **5. The conversion of a corporation out of the state of Missouri in accordance with**
64 **this section and the resulting cessation of its existence as a corporation of this state**
65 **pursuant to a certificate of conversion to a non-Missouri entity shall not be deemed to**
66 **affect any obligations or liabilities of the corporation incurred prior to such conversion or**
67 **the personal liability of any person incurred prior to such conversion, nor shall it be**
68 **deemed to affect the choice of law applicable to the corporation with respect to matters**
69 **arising prior to such conversion.**

70 **6. Unless otherwise provided in a resolution of conversion adopted in accordance**
71 **with this section, the converting corporation shall not be required to wind up its affairs or**
72 **pay its liabilities and distribute its assets, and the conversion shall not constitute a**
73 **dissolution of such corporation.**

74 **7. In connection with a conversion of a domestic corporation to another entity**
75 **under this section, shares of stock, of the corporation of this state which is to be converted**
76 **may be exchanged for or converted into cash, property, rights or securities of, or interests**
77 **in, the entity to which the corporation of this state is being converted or, in addition to or**
78 **in lieu thereof, may be exchanged for or converted into cash, property, shares of stock,**
79 **rights or securities of, or interests in, another domestic corporation or other entity or may**
80 **be cancelled.**

81 **8. When a corporation has been converted to another entity under this section, the**
82 **other entity shall, for all purposes of the laws of the state of Missouri, be deemed to be the**
83 **same entity as the corporation. When any conversion shall have become effective under**
84 **this section, for all purposes of the laws of the state of Missouri, all of the rights, privileges**
85 **and powers of the corporation that has converted, and all property, real, personal and**
86 **mixed, and all debts due to such corporation, as well as all other things and causes of action**

87 **belonging to such corporation, shall remain vested in the other entity to which such**
88 **corporation has converted and shall be the property of such other entity, and the title to**
89 **any real property vested by deed or otherwise in such corporation shall not revert or be**
90 **in any way impaired by reason of this chapter; but all rights of creditors and all liens upon**
91 **any property of such corporation shall be preserved unimpaired, and all debts, liabilities**
92 **and duties of the corporation that has converted shall remain attached to the other entity**
93 **to which such corporation has converted, and may be enforced against it to the same extent**
94 **as if said debts, liabilities and duties had originally been incurred or contracted by it in its**
95 **capacity as such other entity. The rights, privileges, powers and interest in property of the**
96 **corporation that has converted, as well as the debts, liabilities and duties of such**
97 **corporation, shall not be deemed, as a consequence of the conversion, to have been**
98 **transferred to the other entity to which such corporation has converted for any purpose**
99 **of the laws of the state of Missouri.**

100 **9. No vote of shareholders of a corporation shall be necessary to authorize a**
101 **conversion if no shares of the stock of such corporation shall have been issued prior to the**
102 **adoption by the board of directors of the resolution approving the conversion.**

351.484. The secretary of state may commence a proceeding pursuant to section 351.486
2 to dissolve a corporation administratively if:

3 (1) The corporation fails to pay any final assessment of Missouri corporation franchise
4 tax as provided in chapter 147, RSMo, and the director of revenue has notified the secretary of
5 state of such failure;

6 (2) The corporation fails or neglects to file the Missouri corporation franchise tax report
7 required pursuant to chapter 147, RSMo, provided the director of revenue has provided a place
8 on both the individual and corporation income tax return to indicate no such tax is due and
9 provided the director has delivered or mailed at least two notices of such failure to file to the
10 usual place of business of such corporation or the corporation's last known address and the
11 corporation has failed to respond to such second notice within thirty days of the date of mailing
12 of the second notice and the director of revenue has notified the secretary of state of such failure;

13 (3) The corporation fails to file any corporation income tax return or pay any final
14 assessment of corporation income tax as provided in chapter 143, RSMo, and the director of
15 revenue has notified the secretary of state of such failure;

16 (4) The corporation does not deliver its [annual] **corporate registration** report to the
17 secretary of state within [thirty] **ninety** days after it is due;

18 (5) The corporation is without a registered agent or registered office in this state for
19 thirty days or more;

20 (6) The corporation does not notify the secretary of state within thirty days that its
21 registered agent or registered office has been changed, that its registered agent has resigned, or
22 that its registered office has been discontinued;

23 (7) The corporation's period of duration stated in its articles of incorporation expires;

24 (8) The corporation procures its franchise through fraud practiced upon the state;

25 (9) The corporation has continued to exceed or abuse the authority conferred upon it by
26 law, or has continued to violate any section or sections of the criminal law of the state of
27 Missouri after a written demand to discontinue the same has been delivered by the secretary of
28 state to the corporation, either personally or by mail;

29 (10) The corporation fails to pay any final assessment of employer withholding tax, as
30 provided in sections 143.191 to 143.265, RSMo, and the director of revenue has notified the
31 secretary of state of such failure; or

32 (11) The corporation fails to pay any final assessment of sales and use taxes, as provided
33 in chapter 144, RSMo, and the director of revenue has notified the secretary of state of such
34 failure.

351.592. 1. The registered agent of a foreign corporation may resign his agency
2 appointment by signing and delivering to the secretary of state for filing the original and two
3 exact or conformed copies of a statement of resignation. The statement of resignation may
4 include a statement that the registered office is also discontinued.

5 2. After filing the statement, the secretary of state shall attach the filing receipt to one
6 copy, and mail the copy and receipt to the registered office if not discontinued. The secretary
7 of state shall mail the other copy to the foreign corporation at its principal office address shown
8 in its most recent [annual] **corporate registration** report.

9 3. The agency appointment is terminated, and the registered office discontinued if so
10 provided, on the thirty-first day after the date on which the statement was filed.

351.594. 1. The registered agent of a foreign corporation authorized to transact business
2 in this state is the corporation's agent for service of process, notice, or demand required or
3 permitted by law to be served on the foreign corporation.

4 2. A foreign corporation may be served by registered or certified mail, return receipt
5 requested, addressed to the secretary of the foreign corporation at its principal office shown in
6 its application for a certificate of authority or in its most recent [annual] **corporate registration**
7 report, if the foreign corporation:

8 (1) Has no registered agent or its registered agent cannot with reasonable diligence be
9 served;

10 (2) Has withdrawn from transacting business in this state as provided in section 351.596;
11 or

12 (3) Has had its certificate of authority revoked under section 351.602.

13 If the corporation has no secretary or if the secretary cannot, after the exercise of reasonable
14 diligence, be served, then service on the corporation may be obtained by registered or certified
15 mail, return receipt requested, addressed to any person designated as a director or officer of the
16 corporation at any place of business of the corporation, or at the residence of or any usual
17 business address of such director or officer.

18 3. Service is perfected as provided in subsection 2 of this section at the earliest of:

19 (1) The date the foreign corporation receives the mail;

20 (2) The date shown on the return receipt, if signed on behalf of the foreign corporation;

21 or

22 (3) Five days after its deposit in the United States mail, as evidenced by the postmark,
23 if mailed postpaid and correctly addressed.

24 4. This section does not prescribe the only means, or necessarily the required means, of
25 serving a foreign corporation.

351.598. The secretary of state may commence a proceeding pursuant to section 351.602
2 to revoke the certificate of a foreign corporation authorized to transact business in this state if:

3 (1) The foreign corporation does not deliver its [annual] **corporate registration** report
4 to the secretary of state within thirty days after it is due;

5 (2) The foreign corporation fails to pay any final assessment of Missouri corporation
6 franchise tax, as provided in chapter 147, RSMo, and the director of revenue has notified the
7 secretary of state of such failure;

8 (3) The foreign corporation is without a registered agent or registered office in this state
9 for thirty days or more;

10 (4) The foreign corporation does not inform the secretary of state pursuant to section
11 351.588 or 351.592 that its registered agent or registered office has changed, that its registered
12 agent has resigned, or that its registered office has been discontinued within thirty days of the
13 change, resignation, or discontinuance;

14 (5) An incorporator, director, officer, or agent of the foreign corporation signed a
15 document the person knew was false in any material respect with intent that the document be
16 delivered to the secretary of state for filing;

17 (6) The secretary of state receives a duly authenticated certificate from [the secretary of
18 state or other] **an** official having custody of corporate records in the state or country under
19 whose law the foreign corporation is incorporated stating that it has been dissolved or has
20 disappeared as the result of a merger;

21 (7) The foreign corporation fails to pay any final assessment of employer withholding
22 tax, as provided in sections 143.191 to 143.265, RSMo, and the director of revenue has notified
23 the secretary of state of such failure; or

24 (8) The foreign corporation fails to pay any final assessment of sales and use taxes, as
25 provided in chapter 144, RSMo, and the director of revenue has notified the secretary of state
26 of such failure.

351.602. 1. If the secretary of state determines that one or more grounds exist under
2 section 351.598 for revocation of a certificate of authority, he shall serve the foreign corporation
3 with written notice of his determination as provided in section 351.594.

4 2. If the foreign corporation does not correct each ground for revocation or demonstrate
5 to the reasonable satisfaction of the secretary of state that each ground determined by the
6 secretary of state does not exist within sixty days after service of the notice is perfected under
7 section 351.594, the secretary of state may revoke the foreign corporation's certificate of
8 authority by signing a certificate of revocation that recites the ground or grounds for revocation
9 and its effective date. The secretary of state shall file the original of the certificate and serve
10 a copy on the foreign corporation as provided in section 351.594.

11 3. The authority of a foreign corporation to transact business in this state ceases on the
12 date shown on the certificate revoking its certificate of authority.

13 4. The secretary of state's revocation of a foreign corporation's certificate of authority
14 appoints the secretary of state the foreign corporation's agent for service of process in any
15 proceeding based on a cause of action which arose during the time the foreign corporation was
16 authorized to transact business in this state. Service of process on the secretary of state under
17 this subsection is service on the foreign corporation. Upon receipt of process, the secretary of
18 state shall mail a copy of the process to the secretary of the foreign corporation at its principal
19 office shown in its most recent [annual] **corporate registration** report or in any subsequent
20 communication received from the corporation specifically advising the secretary of state of the
21 current mailing address of its principal office, or, if none are on file, in its application for a
22 certificate of authority.

23 5. Revocation of a foreign corporation's certificate of authority does not terminate the
24 authority of the registered agent of the corporation.

351.690. The provisions of this chapter shall be applicable to existing corporations and
2 corporations not formed pursuant to this chapter as follows:

3 (1) Those provisions of this chapter requiring reports, registration statements and the
4 payment of taxes and fees, shall be applicable, to the same extent and with the same effect, to
5 all existing corporations, domestic and foreign, which were required to make such reports and
6 registration statements and to pay such taxes and fees, prior to November 21, 1943;

7 (2) The provisions of this chapter shall be applicable to banks, trust companies and safe
8 deposit companies when such provisions relating to the internal affairs of a corporation
9 supplement the existing provisions of chapter 362, RSMo, or when the provisions of chapter
10 362, RSMo, do not deal with a matter involving the internal affairs of a corporation organized

11 pursuant to the provisions of chapter 362, RSMo, as well as those provisions mentioned in
12 subdivision (1) of this section, to the extent applicable. For the purposes of this chapter, the
13 "internal affairs of a corporation" shall include, but not be limited to, matters of corporate
14 governance, director and officer liability, and financial structure;

15 (3) No provisions of this chapter, other than those mentioned in subdivision (1) of this
16 section, and then only to the extent required by the statutes pursuant to which they are
17 incorporated, or other than the provisions of section 351.347, or section 351.355, shall be
18 applicable to insurance companies, savings and loan associations, corporations formed for
19 benevolent, religious, scientific or educational purposes, and nonprofit corporations;

20 (4) Only those provisions of this chapter which supplement the existing laws applicable
21 to railroad corporations, union stations, cooperative companies for profit, credit unions, street
22 railroads, telegraph and telephone companies, booming and rafting companies, urban
23 redevelopment corporations, professional corporations, development finance corporations, and
24 loan and investment companies, and which are not inconsistent with, or in conflict with the
25 purposes of, or are not in derogation or limitation of, such existing laws, shall be applicable to
26 the type of corporations mentioned above in this subdivision; and without limiting the generality
27 of the foregoing, those provisions of this chapter which permit the issuance of shares without
28 par value and the amendment of articles of incorporation for such purpose shall be applicable
29 to railroad corporations, union stations, street railroads, telegraph and telephone companies, and
30 booming and rafting companies, professional corporations, development finance corporations,
31 and loan and investment companies, and those provisions of this chapter mentioned in
32 subdivisions (1) and (2) of this section will apply to all corporations mentioned in this
33 subdivision; except that, the [annual] **corporate registration** report and fee of a professional
34 corporation pursuant to section 356.211, RSMo, shall suffice in lieu of the [annual] **corporate**
35 **registration report** and fee required of a business corporation;

36 (5) All of the provisions of this chapter to the extent provided shall apply to all other
37 corporations existing pursuant to general laws of this state enacted prior to November 21, 1943,
38 and not specifically mentioned in subdivisions (1), (2) and (3) of this section.

355.016. 1. The secretary of state may prescribe and furnish on request, forms for:

2 (1) A foreign corporation's application for a certificate of authority to transact business
3 in this state;

4 (2) A foreign corporation's application for a certificate of withdrawal; and

5 (3) The [annual] **corporate registration** report.

6 If the secretary of state so requires, use of these forms is mandatory.

7 2. The secretary of state may prescribe and furnish on request forms for other documents
8 required or permitted to be filed by this chapter but their use is not mandatory.

- 355.021. 1. The secretary of state shall collect the following fees when the documents described in this subsection are delivered for filing:
- (1) Articles of incorporation, twenty dollars;
 - (2) Application for reserved name, twenty dollars;
 - (3) Notice of transfer of reserved name, two dollars;
 - (4) Application for renewal of reserved name, twenty dollars;
 - (5) Corporation's statement of change of registered agent or registered office or both, five dollars;
 - (6) Agent's statement of change of registered office for each affected corporation, five dollars;
 - (7) Agent's statement of resignation, five dollars;
 - (8) Amendment of articles of incorporation, five dollars;
 - (9) Restatement of articles of incorporation with amendments, five dollars;
 - (10) Articles of merger, five dollars;
 - (11) Articles of dissolution, five dollars;
 - (12) Articles of revocation of dissolution, five dollars;
 - (13) Application for reinstatement following administrative dissolution, twenty dollars;
 - (14) Application for certificate of authority, twenty dollars;
 - (15) Application for amended certificate of authority, five dollars;
 - (16) Application for certificate of withdrawal, five dollars;
 - (17) [Annual] **Corporate registration report filed annually**, ten dollars if filed in a written format or five dollars if filed electronically in a format prescribed by the secretary of state;
 - (18) **Corporate registration report filed biennially, twenty dollars if filed in a written format or ten dollars if filed electronically in a format prescribed by the secretary of state;**
 - (19) Articles of correction, five dollars;
 - [(19)] (20) Certificate of existence or authorization, five dollars;
 - [(20)] (21) Any other document required or permitted to be filed by this chapter, five dollars.
2. The secretary of state shall collect a fee of ten dollars upon being served with process under this chapter. The party to a proceeding causing service of process is entitled to recover the fee paid the secretary of state as costs if the party prevails in the proceeding.
3. The secretary of state shall collect the following fees for copying and certifying the copy of any filed document relating to a domestic or foreign corporation: in a written format fifty cents per page plus five dollars for certification, or in an electronic format five dollars for certification and copies.

355.066. Unless the context otherwise requires or unless otherwise indicated, as used
2 in this chapter the following terms mean:

- 3 (1) "Approved by or approval by the members", approved or ratified by the affirmative
4 vote of a majority of the voters represented and voting at a duly held meeting at which a quorum
5 is present, which affirmative votes also constitute a majority of the required quorum, or by a
6 written ballot or written consent in conformity with this chapter, or by the affirmative vote,
7 written ballot or written consent of such greater proportion, including the votes of all the
8 members of any class, unit or grouping as may be provided in the articles, bylaws or this chapter
9 for any specified member action;
- 10 (2) "Articles of incorporation" or "articles", amended and restated articles of
11 incorporation and articles of merger;
- 12 (3) "Board" or "board of directors", the board of directors except that no person or group
13 of persons is the board of directors because of powers delegated to that person or group pursuant
14 to section 355.316;
- 15 (4) "Bylaws", the code or codes of rules, other than the articles, adopted pursuant to this
16 chapter for the regulation or management of the affairs of the corporation, irrespective of the
17 name or names by which such rules are designated. Bylaws shall not include legally enforceable
18 covenants, declarations, indentures or restrictions imposed upon members by validly recorded
19 indentures, declarations, covenants, restrictions or other recorded instruments, as they apply to
20 real property;
- 21 (5) "Class", a group of memberships which have the same rights with respect to voting,
22 dissolution, redemption and transfer. For the purpose of this section, "rights" shall be considered
23 the same if they are determined by a formula applied uniformly;
- 24 (6) "Corporation", public benefit and mutual benefit corporations;
- 25 (7) "Delegates", those persons elected or appointed to vote in a representative assembly
26 for the election of a director or directors or on other matters;
- 27 (8) "Deliver" includes mail;
- 28 (9) "Directors", individuals, designated in the articles or bylaws or elected by the
29 incorporator or incorporators, and their successors and individuals elected or appointed by any
30 other name or title to act as members of the board;
- 31 (10) "Distribution", the payment of a dividend or any part of the income or profit of a
32 corporation to its members, directors or officers;
- 33 (11) "Domestic corporation", a Missouri corporation;
- 34 (12) "Effective date of notice" is defined in section 355.071;
- 35 (13) "Employee" does not include an officer or director who is not otherwise employed
36 by the corporation;

- 37 (14) "Entity", domestic corporations and foreign corporations, business corporations and
38 foreign business corporations, for-profit and nonprofit unincorporated associations, business
39 trusts, estates, partnerships, trusts, and two or more persons having a joint or common economic
40 interest, and a state, the United States, and foreign governments;
- 41 (15) "File", "filed" or "filing", filed in the office of the secretary of state;
- 42 (16) "Foreign corporation", a corporation organized under a law other than the laws of
43 this state which would be a nonprofit corporation if formed under the laws of this state;
- 44 (17) "Governmental subdivision" includes authority, county, district, and municipality;
- 45 (18) "Includes" denotes a partial definition;
- 46 (19) "Individual", a natural person;
- 47 (20) "Means" denotes a complete definition;
- 48 (21) "Member", without regard to what a person is called in the articles or bylaws, any
49 person or persons who on more than one occasion, pursuant to a provision of a corporation's
50 articles or bylaws, have the right to vote for the election of a director or directors; but a person
51 is not a member by virtue of any of the following:
- 52 (a) Any rights such person has as a delegate;
- 53 (b) Any rights such person has to designate a director or directors; or
- 54 (c) Any rights such person has as a director;
- 55 (22) "Membership", the rights and obligations a member or members have pursuant to
56 a corporation's articles, bylaws and this chapter;
- 57 (23) "Mutual benefit corporation", a domestic corporation which is formed as a mutual
58 benefit corporation pursuant to sections 355.096 to 355.121 or is required to be a mutual benefit
59 corporation pursuant to section 355.881;
- 60 (24) "Notice" is defined in section 355.071;
- 61 (25) "Person" includes any individual or entity;
- 62 (26) "Principal office", the office, in or out of this state, so designated in the [annual]
63 **corporate registration** report filed pursuant to section 355.856 where the principal offices of
64 a domestic or foreign corporation are located;
- 65 (27) "Proceeding" includes civil suits and criminal, administrative, and investigatory
66 actions;
- 67 (28) "Public benefit corporation", a domestic corporation which is formed as a public
68 benefit corporation pursuant to sections 355.096 to 355.121, or is required to be a public benefit
69 corporation pursuant to section 355.881;
- 70 (29) "Record date", the date established pursuant to sections 355.181 to 355.311 on
71 which a corporation determines the identity of its members for the purposes of this chapter;
- 72 (30) "Resident", a full-time resident of a long-term care facility or residential care
73 facility;

74 (31) "Secretary", the corporate officer to whom the board of directors has delegated
75 responsibility pursuant to subsection 2 of section 355.431 for custody of the minutes of the
76 directors' and members' meetings and for authenticating the records of the corporation;

77 (32) "State", when referring to a part of the United States, includes a state or
78 commonwealth, and its agencies and governmental subdivisions, and any territory or insular
79 possession, and its agencies and governmental subdivisions, of the United States;

80 (33) "United States" includes any agency of the United States;

81 (34) "Vote" includes authorization by written ballot and written consent; and

82 (35) "Voting power", the total number of votes entitled to be cast for the election of
83 directors at the time the determination of voting power is made, excluding a vote which is
84 contingent upon the happening of a condition or event that has not occurred at the time. Where
85 a class is entitled to vote as a class for directors, the determination of voting power of the class
86 shall be based on the percentage of the number of directors the class is entitled to elect out of
87 the total number of authorized directors.

355.071. 1. For purposes of this chapter, notice may be oral or written.

2 2. Notice may be communicated in person, by telephone, telegraph, teletype, or other
3 form of wire or wireless communication, or by mail or private carrier; if these forms of personal
4 notice are impracticable, notice may be communicated by a newspaper of general circulation in
5 the area where published, or by radio, television, or other form of public broadcast
6 communication.

7 3. Oral notice is effective when communicated if communicated in a comprehensible
8 manner.

9 4. Written notice, if in a comprehensible form, is effective at the earliest of the
10 following:

11 (1) When received;

12 (2) Five days after its deposit in the United States mail, as evidenced by the postmark,
13 if mailed correctly addressed and with first class postage affixed;

14 (3) On the date shown on the return receipt, if sent by registered or certified mail, return
15 receipt requested, and the receipt is signed by or on behalf of the addressee;

16 (4) Thirty days after its deposit in the United States mail, as evidenced by the postmark,
17 if mailed correctly addressed and with other than first class, registered or certified postage
18 affixed.

19 5. Written notice is correctly addressed to a member of a domestic or foreign corporation
20 if addressed to the member's address shown in the corporation's current list of members.

21 6. A written notice or report delivered as part of a newsletter, magazine or other
22 publication regularly sent to members shall constitute a written notice or report if addressed or
23 delivered to the member's address shown in the corporation's current list of members, or in the

24 case of members who are residents of the same household and who have the same address in the
25 corporation's current list of members, if addressed or delivered to one of such members, at the
26 address appearing on the current list of members.

27 7. Written notice is correctly addressed to a domestic or foreign corporation, authorized
28 to transact business in this state, other than in its capacity as a member, if addressed to its
29 registered agent or to its secretary at its principal office shown in its most recent [annual]
30 **corporate registration** report or, in the case of a foreign corporation that has not yet delivered
31 [an annual] **a corporate registration** report, in its application for a certificate of authority.

32 8. If subsection 2 of section 355.251 or any other provision of this chapter prescribes
33 notice requirements for particular circumstances, those requirements govern. If the articles or
34 bylaws prescribe notice requirements, not inconsistent with this section or other provisions of
35 this chapter, those requirements govern. Failure to comply with the terms of this section shall
36 not invalidate the terms of the notice delivered.

355.151. 1. A person may reserve the exclusive use of a corporate name, including a
2 fictitious name for a foreign corporation whose corporate name is not available, by delivering
3 an application to the secretary of state for filing. Upon finding that the corporate name applied
4 for is available, the secretary of state shall reserve the name for the applicant's exclusive use for
5 a sixty-day period. **A name reservation shall not exceed a period of one hundred eighty days**
6 **from the date of the first name reservation application. Upon the hundred eighty-first day,**
7 **the name shall cease reserve status and shall not be placed back in reserve status.**

8 2. The owner of a reserved corporate name may transfer the reservation to another
9 person by delivering to the secretary of state a signed notice of the transfer that states the name
10 and address of the transferee.

355.176. 1. A corporation's registered agent is the corporation's agent for service of
2 process, notice, or demand required or permitted by law to be served on the corporation.

3 2. If a corporation has no registered agent, or the agent cannot with reasonable diligence
4 be served, the corporation may be served by registered or certified mail, return receipt requested,
5 addressed to the secretary of the corporation at its principal office shown in the most recent
6 [annual] **corporate registration** report filed under section 355.856. Service is perfected under
7 this subsection on the earliest of:

8 (1) The date the corporation receives the mail;
9 (2) The date shown on the return receipt, if signed on behalf of the corporation; or
10 (3) Five days after its deposit in the United States mail, if mailed and correctly addressed
11 with first class postage affixed.

12 3. This section does not prescribe the only means, or necessarily the required means, of
13 serving a corporation.

355.688. A voluntarily dissolved corporation must continue to file the [annual] **corporate** registration report and pay all required taxes due the state of Missouri until the effective date of articles of termination.

355.706. The secretary of state may commence a proceeding under section 355.711 to administratively dissolve a corporation if:

(1) The corporation does not pay within thirty days after they are due fees or penalties imposed by this chapter;

(2) The corporation does not deliver its [annual] **corporate registration** report to the secretary of state within [thirty] **ninety** days after it is due;

(3) The corporation is without a registered agent or registered office in this state for thirty days or more;

(4) The corporation does not notify the secretary of state within thirty days that its registered agent or registered office has been changed, that its registered agent has resigned, or that its registered office has been discontinued;

(5) The corporation's period of duration, if any, stated in its articles of incorporation expires; or

(6) The corporation has procured its charter through fraud practiced upon the state.

355.796. 1. The registered agent of a foreign corporation authorized to transact business in this state is the corporation's agent for service of process, notice, or demand required or permitted by law to be served on the foreign corporation.

2. A foreign corporation may be served by registered or certified mail, return receipt requested, addressed to the secretary of the foreign corporation at its principal office shown in its application for a certificate of authority or in its more recent [annual] **corporate registration** report filed under section 355.856 if the foreign corporation:

(1) Has no registered agent or its registered agent cannot with reasonable diligence be served;

(2) Has withdrawn from transacting business in this state under section 355.801; or

(3) Has had its certificate of authority revoked under section 355.811.

3. Service is perfected under subsection 2 of this section at the earliest of:

(1) The date the foreign corporation receives the mail;

(2) The date shown on the return receipt, if signed on behalf of the foreign corporation; or

(3) Five days after its deposit in the United States mail, as evidenced by the postmark if mailed postpaid and correctly addressed.

4. This section does not prescribe the only means, or necessarily the required means, of serving a foreign corporation.

355.806. 1. The secretary of state may commence a proceeding under section 355.811 to revoke the certificate of authority of a foreign corporation authorized to transact business in this state if:

(1) The foreign corporation does not deliver the [annual] **corporate registration** report to the secretary of state within thirty days after it is due;

(2) The foreign corporation does not pay within thirty days after they are due any fees or penalties imposed by this chapter;

(3) The foreign corporation is without a registered agent or registered office in this state for thirty days or more;

(4) The foreign corporation does not inform the secretary of state under section 355.786 or 355.791 that its registered agent or registered office has changed, that its registered agent has resigned, or that its registered office has been discontinued within thirty days of the change, resignation, or discontinuance;

(5) An incorporator, director, officer or agent of the foreign corporation signed a document such person knew was false in any material respect with intent that the document be delivered to the secretary of state for filing;

(6) The secretary of state receives a duly authenticated certificate from the secretary of state or other official having custody of corporate records in the state or country under whose law the foreign corporation is incorporated stating that it has been dissolved or disappeared as the result of a merger; or

(7) The corporation procured its certificate of authority through fraud practiced on the state.

2. The attorney general may commence a proceeding under section 355.811 to revoke the certificate of authority of a foreign corporation authorized to transact business in this state if:

(1) The corporation has continued to exceed or abuse the authority conferred upon it by law;

(2) The corporation would have been a public benefit corporation other than a church or convention or association of churches had it been incorporated in this state and that its corporate assets in this state are being misapplied or wasted; or

(3) The corporation would have been a public benefit corporation other than a church or convention or association of churches had it been incorporated in this state and it is no longer able to carry out its purposes.

355.811. 1. The secretary of state upon determining that one or more grounds exist under section 355.806 for revocation of a certificate of authority shall serve the foreign corporation with written notice of that determination under section 355.796.

4 2. The attorney general upon determining that one or more grounds exist under
5 subsection 2 of section 355.806 for revocation of a certificate of authority shall request the
6 secretary of state to serve, and the secretary of state shall serve the foreign corporation with
7 written notice of that determination under section 355.796.

8 3. If the foreign corporation does not correct each ground for revocation or demonstrate
9 to the reasonable satisfaction of the secretary of state or attorney general that each ground for
10 revocation determined by the secretary of state or attorney general does not exist within sixty
11 days after service of the notice is perfected under section 355.796, the secretary of state may
12 revoke the foreign corporation's certificate of authority by signing a certificate of revocation that
13 recites the ground or grounds for revocation and its effective date. The secretary of state shall
14 file the original of the certificate and serve a copy on the foreign corporation under section
15 355.796.

16 4. The authority of a foreign corporation to transact business in this state ceases on the
17 date shown on the certificate revoking its certificate of authority.

18 5. The secretary of state's revocation of a foreign corporation's certificate of authority
19 appoints the secretary of state the foreign corporation's agent for service of process in any
20 proceeding based on a cause of action which arose during the time the foreign corporation was
21 authorized to transact business in this state. Service of process on the secretary of state under
22 this subsection is service on the foreign corporation. Upon receipt of process, the secretary of
23 state shall mail a copy of the process to the secretary of the foreign corporation at its principal
24 office shown in its most recent [annual] **corporate registration** report or in any subsequent
25 communications received from the corporation stating the current mailing address of its principal
26 office, or, if none are on file, in its application for a certificate of authority.

27 6. Revocation of a foreign corporation's certificate of authority does not terminate the
28 authority of the registered agent of the corporation.

355.821. 1. A corporation shall keep as permanent records minutes of all meetings of
2 its members and board of directors, a record of all actions taken by the members or directors
3 without a meeting, and a record of all actions taken by committees of the board of directors as
4 authorized by subsection 4 of section 355.406.

5 2. A corporation shall maintain appropriate accounting records.

6 3. A corporation or its agent shall maintain a record of its members in a form that
7 permits preparation of a list of the names and addresses of all members, in alphabetical order by
8 class showing the number of votes each member is entitled to vote.

9 4. A corporation shall maintain its records in written form or in another form capable
10 of conversion into written form within a reasonable time.

11 5. A corporation shall keep a copy of the following records at its principal office:

- 12 (1) Its articles or restated articles of incorporation and all amendments to them currently
13 in effect;
- 14 (2) Its bylaws or restated bylaws and all amendments to them currently in effect;
- 15 (3) Resolutions adopted by its board of directors relating to the characteristics,
16 qualifications, rights, limitations and obligations of members or any class or category of
17 members;
- 18 (4) The minutes of all meetings of members and records of all actions approved by the
19 members for the past three years;
- 20 (5) All written communications to all members or any specific class of members
21 generally within the past three years, including the financial statements furnished for the past
22 three years under section 355.846;
- 23 (6) A list of the names and business or home addresses of its current directors and
24 officers;
- 25 (7) Its most recent [annual] **corporate registration** report delivered to the secretary of
26 state under section 355.856; and
- 27 (8) Appropriate financial statements of all income and expenses. Public benefit
28 corporations shall not be required, under this chapter, to disclose any information with respect
29 to donors, gifts, contributions or the purchase or sale of art objects.

355.856. 1. Each domestic corporation, and each foreign corporation authorized
2 pursuant to this chapter to transact business in this state, shall file with the secretary of state [an
3 annual] **a** corporate registration report on a form prescribed and furnished by the secretary of
4 state that sets forth:

- 5 (1) The name of the corporation and the state or country under whose law it is
6 incorporated;
- 7 (2) The address of its registered office and the name of its registered agent at the office
8 in this state;
- 9 (3) The address of its principal office;
- 10 (4) The names and physical business or residence addresses of its directors and principal
11 officers.

12 2. The information in the [annual] corporate registration report must be current on the
13 date the [annual] corporate registration report is executed on behalf of the corporation.

14 3. The [first annual] **initial** corporate registration report must be delivered to the
15 secretary of state no later than August thirty-first of the year following the calendar year in
16 which a domestic corporation was incorporated or a foreign corporation was authorized to
17 transact business. Subsequent [annual] corporate registration reports must be delivered to the
18 secretary of state no later than August thirty-first of the following calendar years, **except as**
19 **provided in section 355.857.** If [an annual] **a** corporate registration report is not filed within

20 the time limits prescribed by this section, the secretary of state shall not accept the report unless
21 it is accompanied by a fifteen dollar fee. Failure to file the [annual] registration report as
22 required by this section will result in the administrative dissolution of the corporation as set forth
23 in section 355.706.

24 4. If [an annual] a corporate registration report does not contain the information required
25 by this section, the secretary of state shall promptly notify the reporting domestic or foreign
26 corporation in writing and return the report to it for correction.

27 5. A corporation may change the corporation's registered office or registered agent with
28 the filing of the corporation's [annual] registration report. To change the corporation's registered
29 agent with the filing of the [annual] registration report, the corporation must include the new
30 registered agent's written consent to the appointment as registered agent and a written consent
31 stating that such change in registered agents was authorized by resolution duly adopted by the
32 board of directors. The written consent must be signed by the new registered agent and must
33 include such agent's address. If the [annual] corporate registration report is not completed
34 correctly, the secretary of state may reject the filing of such report.

35 6. A corporation's [annual] **corporate** registration report must be filed in a format and
36 medium prescribed by the secretary of state.

37 7. The [annual] **corporate** registration report shall be signed by an officer or authorized
38 person and pursuant to this section represents that the signer believes the statements are true and
39 correct to the best knowledge and belief of the person signing, subject to the penalties of section
40 575.040, RSMo.

355.857. 1. Notwithstanding the provisions of section 355.856 to the contrary,
2 **beginning January 1, 2009, the secretary of state may provide corporations the option of**
3 **biennially filing corporate registration reports. Any corporation incorporated or qualified**
4 **in an even-numbered year may file a biennial corporate registration report only in an**
5 **even-numbered calendar year, and any corporation incorporated or qualified in an odd-**
6 **numbered year may file a biennial corporate registration report only in an odd-numbered**
7 **calendar year, subject to the following requirements:**

8 (1) The fee paid at the time of biennial registration shall be that specified in section
9 355.021;

10 (2) A corporation's biennial corporate registration report shall be filed in a format
11 as prescribed by the secretary of state;

12 (3) The secretary of state may collect an additional fee of ten dollars on each
13 biennial corporate registration report filed under this section. Such fee shall be deposited
14 into the state treasury and credited to the secretary of state's technology trust fund
15 account.

16 **2. Once a corporation chooses the option of biennial registration, such registration**
17 **shall be maintained for the full twenty-four month period. Once the twenty-four month**
18 **period has expired and another corporate registration report is due, a corporation may**
19 **choose to file an annual registration report under section 355.856. However, upon making**
20 **such choice the corporation may later only choose to file a biennial corporate registration**
21 **report in a year appropriate under subsection 1 of this section, based on the year in which**
22 **the corporation was incorporated.**

23 **3. The secretary of state may promulgate rules for the effective administration of**
24 **this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,**
25 **that is created under the authority delegated in this section shall become effective only if**
26 **it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if**
27 **applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable**
28 **and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,**
29 **to review, to delay the effective date, or to disapprove and annul a rule are subsequently**
30 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**
31 **adopted after August 28, 2008, shall be invalid and void.**

356.211. 1. Each professional corporation and each foreign professional corporation
2 shall file with the secretary of state [an annual corporation] **a corporate registration report**
3 pursuant to section 351.120, RSMo, **or section 351.122, RSMo.** The corporate registration
4 report shall set forth the following information: the names and residence or physical business
5 addresses of all officers, directors and shareholders of that professional corporation as of the date
6 of the report.

7 2. The report shall be made on a form to be prescribed and furnished by the secretary
8 of state, and shall be executed by an officer of the corporation or authorized person.

9 3. A filing fee in the amount set out in section 351.125, RSMo, **or section 351.122,**
10 **RSMo,** shall be paid with the filing of each report, and no other fees shall be charged therefor;
11 except that, penalty fees may be imposed by the secretary of state for late filings. The report
12 shall be filed subject to the time requirements of section 351.120, RSMo, **or section 351.122,**
13 **RSMo.**

14 4. If a professional corporation or foreign professional corporation shall fail to file a
15 report qualifying with the provisions of this section when such a filing is due, then the
16 corporation shall be subject to the provisions of chapter 351, RSMo, that are applicable to a
17 corporation that has failed to timely file the [annual] **corporate registration** report required to
18 be filed under chapter 351, RSMo.

359.681. In addition to the power and authority given the secretary of state by this
2 chapter, the secretary of state or his designee shall have such further authority as is reasonably
3 necessary to enable the secretary of state to administer this chapter efficiently and to perform

4 the secretary of state's duties. This authority shall consist of, but is not limited to, the following
5 powers:

6 (1) (a) The power to examine the books and records of any limited partnership to which
7 this chapter applies, and it shall be the duty of any general partner or agent of such limited
8 partnership to produce such books and records for examination on demand of the secretary of
9 state or designated employee; provided, that no person shall be subject to any criminal
10 prosecution on account of any matter or thing which may be disclosed by the examination of any
11 limited partnership books, or records, which they may produce or exhibit for examination; or on
12 account of any matter or thing concerning which they may make any voluntary and truthful
13 statement in writing to the secretary of state, or designated employee. All facts obtained in the
14 examination of the books and records of any limited partnership, or through voluntary sworn
15 statement of any partner, agent, or employee of any limited partnership, shall be treated as
16 confidential, except insofar as official duty may require the disclosure of same; or when such
17 facts are material to any issue in any legal proceeding in which the secretary of state or
18 designated employee may be a party or called as a witness, and, if the secretary of state or
19 designated employee shall, except as herein provided, disclose any information relative to the
20 private accounts, affairs, and transactions of any such limited partnership, he shall be deemed
21 guilty of a class C misdemeanor.

22 (b) If any general partner, or registered agent, of any such limited partnership shall
23 refuse the demand of the secretary of state, or designated employee, to exhibit the books and
24 records of such limited partnership for examination, he, or they, shall be deemed guilty of a class
25 B misdemeanor.

26 (2) (a) The power to cancel or disapprove any certificate of limited partnership or other
27 filing required under this chapter, if the limited partnership fails to comply with the provisions
28 of this chapter by failing to file required documents under this chapter by failing to maintain a
29 registered agent, by failing to pay the required filing fees, by using fraud or deception in
30 effecting any filing, by filing a required document containing a false statement, or by violating
31 any section or sections of the criminal laws of Missouri, the federal government or any other
32 state of the United States. Thirty days before such cancellation shall take effect, the secretary
33 of state shall notify the limited partnership with written notice, either personally or by mail. If
34 mailed, the notice shall be deemed delivered five days after it is deposited in the United States
35 mail in a sealed envelope addressed to such limited partnership's last registered agent and office
36 or to one of the limited partnership's general partners. The written notice of the secretary of
37 state's proposed cancellation to the limited partnership, domestic or foreign, will specify the
38 reasons for such action.

39 (b) The limited partnership may appeal this notice of proposed cancellation to the circuit
40 court of the county in which the registered office of such limited partnership is or is proposed

41 to be situated by filing with the clerk of such court a petition setting forth a copy of the
42 certificate of limited partnership or other relevant documents and a copy of the proposed written
43 cancellation thereof by the secretary of state, such petition to be filed within thirty days after
44 notice of such cancellation shall have been given, and the matter shall be tried by the court, and
45 the court shall either sustain the action of the secretary of state or direct him to take such action
46 as the court may deem proper. An appeal from the circuit court in such a case shall be allowed
47 as in civil action.

48 (c) The limited partnership may provide information to the secretary of state that would
49 allow the secretary of state to withdraw the notice of proposed cancellation. This information
50 may consist of, but need not be limited to, corrected statements and documents, new filings,
51 affidavits and certified copies of other filed documents.

52 (3) The power to rescind a cancellation provided for in subsection 2 of this section upon
53 compliance with either of the following:

54 (a) The affected limited partnership provides the necessary documents and affidavits
55 indicating the limited partnership has corrected the conditions causing the proposed cancellation
56 or the cancellation;

57 (b) The limited partnership provides the correct statements or documentation that the
58 limited partnership is not in violation of any section of the criminal code.

59 (4) The power to charge late filing fees for any filing fee required under this chapter.
60 Late filing fees shall be assessed at a rate of ten dollars for each thirty-day period of
61 delinquency. **(5) (a) The power to administratively cancel a certificate of limited
62 partnership if the limited partnership's period of duration stated in the certificate of
63 limited partnership expires.**

64 **(b) Not less than sixty days before such administrative cancellation shall take effect,
65 the secretary of state shall notify the limited partnership with written notice, either
66 personally or by mail. If mailed, the notice shall be deemed delivered five days after it is
67 deposited in the United States mail in a sealed envelope addressed to such limited
68 partnership's last registered agent and office or to one of the limited partnership's general
69 partners.**

70 **(c) If the limited partnership does not timely file a certificate of amendment in
71 accordance with section 359.101 to extend the duration of the limited partnership, which
72 may be any number of years or perpetual, or demonstrate to the reasonable satisfaction
73 of the secretary of state that the period of duration determined by the secretary of state is
74 incorrect, then the secretary of state shall cancel, not less than sixty days after notice is
75 perfected, the certificate of limited partnership by signing a certificate of administrative
76 cancellation that recites the grounds for cancellation and its effective date. The secretary**

of state shall file the original of the certificate and serve a copy on the limited partnership as provided in section 359.041.

(d) A limited partnership whose certificate of limited partnership has been administratively cancelled continues its existence but may not carry on any business except that necessary to wind up and liquidate its business and affairs under section 359.471 and notify claimants under section 359.481.

(e) The administrative cancellation of a certificate of limited partnership does not terminate the authority of its registered agent.

(6) (a) The power to rescind an administrative cancellation and reinstate the certificate of limited partnership.

(b) Except as otherwise provided in the partnership agreement, a limited partnership whose certificate of limited partnership has been administratively cancelled under subdivision (5) of this section may file a certificate of amendment in accordance with section 359.101 to extend the duration of the limited partnership, which may be any number or perpetual.

(c) A limited partnership whose certificate of limited partnership has been administratively cancelled under subdivision (5) of this section may apply to the secretary of state for reinstatement. The applicant shall:

a. Recite the name of the limited partnership and the effective date of its administrative cancellation;

b. State that the grounds for cancellation either did not exist or have been eliminated, as applicable, and be accompanied by documentation satisfactory to the secretary of state evidencing the same;

c. State that the limited partnership's name satisfies the requirements of section 359.021;

d. Be accompanied by a reinstatement fee in the amount of two hundred fifty dollars, or such greater amount as required by state regulation, plus any delinquent fees, penalties, and other charges as determined by the secretary of state to then be due.

(d) If the secretary of state determines that the application contains the information and is accompanied by the fees required in paragraph (c) of subdivision (6) of this section and that the information and fees are correct, the secretary of state shall rescind the certificate of administrative cancellation and prepare a certificate of reinstatement that recites his or her determination and the effective date of reinstatement, file the original of the certificate, and serve a copy on the limited partnership as provided in section 359.041.

(e) When the reinstatement is effective, it shall relate back to and take effect as of the effective date of the administrative cancellation of the certificate of limited partnership

113 **and the limited partnership may continue carrying on its business as if the administrative**
114 **cancellation had never occurred.**

115 **(f) In the event the name of the limited partnership was reissued by the secretary**
116 **of state to another entity prior to the time application for reinstatement was filed, the**
117 **limited partnership applying for reinstatement may elect to reinstate using a new name**
118 **that complies with the requirements of section 359.021 and that has been approved by**
119 **appropriate action of the limited partnership for changing the name thereof.**

120 **(g) If the secretary of state denies a limited partnership's application for**
121 **reinstatement following administrative cancellation of the certificate of limited**
122 **partnership, he or she shall serve the limited partnership as provided in section 359.041**
123 **with a written notice that explains the reason or reasons for denial.**

124 **(h) The limited partnership may appeal a denial of reinstatement as provided for**
125 **in paragraph (b) of subdivision (2) of this section.**

126 **(7) Subdivision (6) of this section shall apply to any limited partnership whose**
127 **certificate of limited partnership was cancelled because such limited partnership's period**
128 **of duration stated in the certificate of limited partnership expired on or after August 28,**
129 **2003.**

362.550. 1. When any trust company organized pursuant to the laws of this state shall
2 have been nominated as personal representative of the last will of any deceased person, the court
3 or officer authorized pursuant to the law of this state to grant letters testamentary thereon shall,
4 upon proper application, grant letters testamentary thereon to the trust company or to its
5 successor by merger.

6 2. When application is made for the appointment of a personal representative on the
7 estate of any deceased person, and there is no person entitled to the letters, or if there is one so
8 entitled then, on the application of the person, the court or officer making the appointment may
9 grant letters of administration with will annexed to any trust company.

10 3. Any trust company may be appointed conservator, trustee, personal representative,
11 receiver, assignee or in any other fiduciary capacity, in the manner now provided by law for
12 appointment of individuals to any such office. On the application of any natural person acting
13 in any such office, or on the application of any natural persons acting jointly in any such office,
14 any trust company may be appointed by the court or officer having jurisdiction in the place and
15 stead of the person or persons; or on the application of the person or persons any trust company
16 may be appointed to the office to act jointly with the person or persons theretofore appointed,
17 or appointed at the same time; provided, the appointment shall not increase the compensation
18 to be paid the joint fiduciaries over the amount pursuant to the law payable to a fiduciary acting
19 alone.

20 4. Any natural person or persons heretofore or hereafter appointed as guardian, trustee,
21 personal representative, receiver, assignee, or in any other fiduciary capacity, desiring to have
22 their bond under the office reduced, or desiring to be appointed under a reduced bond, the person
23 or persons may apply to the court to have their appointment put or made under such limitation
24 of powers and upon such terms and conditions as to the deposits of assets by the person or
25 persons with any trust company, under such reduced bond to be given by the person or persons
26 as the court or judge shall prescribe, and the court or judge may make any proper order in the
27 premises.

28 5. Any investments made by any trust company of money received by it in any fiduciary
29 capacity shall be at its sole risk, and for all losses of such money the capital stock and property
30 of the company shall be absolutely liable, unless the investments are such as are proper when
31 made by an individual acting in such fiduciary capacity, or such as are permitted under and by
32 the instrument or order creating or defining the trust. Any trust company in the exercise of its
33 fiduciary powers as personal representative, guardian, trustee or other fiduciary capacity, may
34 retain and continue to hold, as an investment of an estate, trust or other account administered by
35 it as fiduciary, any shares of the capital stock, and other securities or obligations, of the trust
36 company so acting, and of any parent company or affiliated company of such trust company,
37 which stock, securities and obligations have been transferred to or deposited with such fiduciary
38 by the creator or creators of such fiduciary account or other donors or grantors, or received by
39 it in exchange for, or as dividends upon, or purchased by the exercise of subscription rights,
40 including rights to purchase fractional shares, in respect of, any other stock, securities or
41 obligations so transferred to or deposited with it, or which have been purchased by such
42 fiduciary pursuant to a requirement of the instrument or order governing such account or
43 pursuant to the direction of such person or persons other than the trust company having power
44 to direct such fiduciary with respect to such purchases; but except as herein provided, including
45 the exercise of subscription rights, no such trust company shall purchase as an investment for
46 any fiduciary account, in the exercise of its own discretion, any stock or other securities or
47 obligations, other than deposit accounts, savings certificates or certificates of deposits, issued
48 by such trust company, or its parent or affiliated companies. This subsection shall not be
49 construed to prohibit a trust company, in the exercise of its own discretion, from purchasing as
50 an investment, for any fiduciary account, securities or obligations of any state or political
51 subdivision thereof which meet investment standards which shall be established by the director
52 of the division of finance, even though such obligations are underwritten by such trust company
53 or its parent or affiliated companies.

54 6. The court or officer may make orders respecting the trusts and require any trust
55 company to render all accounts which the court or officer might lawfully require if the personal

56 representative, guardian, trustee, receiver, depository or the trust company acting in any other
57 fiduciary capacity, were a natural person.

58 7. Upon the appointment of a trust company to any fiduciary office, no official oath shall
59 be required.

60 8. Property or securities received or held by a trust company in any fiduciary capacity
61 shall be a special deposit in the trust company, and the accounts thereof shall be kept separate
62 from each other and separate from the company's individual business. The property or securities
63 held in trust shall not be mingled with the investments of the capital stock or other property
64 belonging to the trust company or be liable for the debts or obligations thereof. For the purpose
65 of this section, the corporation shall have a trust department, in which all business authorized
66 by subsection 2 of section 362.105 is kept separate and distinct from its general business.

67 9. The accounts, securities and all records of any trust company relating to a trust
68 committed to it shall be open for the inspection of all persons interested in the trust.

69 10. When any trust company organized pursuant to the laws of this state shall have been
70 appointed personal representative of the estate of any deceased person, or guardian, trustee,
71 receiver, assignee, or in any other fiduciary capacity, in the manner provided by law for
72 appointment to any such office, and if the trust company has heretofore merged or consolidated
73 with or shall hereafter merge or consolidate with any other trust company organized pursuant
74 to the laws of this state, then, at the option of the first mentioned company, and upon the filing
75 by it, with the court having jurisdiction of the estate being administered, of a certificate of the
76 merger or consolidation, together with a statement that the other trust company is to thereafter
77 administer the estate held by it and an acceptance by the latter trust company of the trust to be
78 administered, the certificate, statement and acceptance to be executed by the president or vice
79 president of the respective companies and to have affixed thereto the corporate seals of the
80 respective companies, attested by the secretary thereof, and further upon the approval of the
81 court and the giving of such bond as may be required, all the rights, privileges, title and interest
82 in and to all property of whatsoever kind, whether real, personal or mixed, and things in action
83 belonging to the trust estate, and every right, privilege or asset of conceivable value or benefit
84 then existing which would inure to the estate under an unmerged or consolidated existence of
85 the first mentioned company, shall be fully and finally and without right of reversion transferred
86 to and vested in the corporation into which it is merged or with which it is consolidated, without
87 further act or deed, and the last mentioned corporation shall have and hold the same in its own
88 right as fully as the same was possessed and held by the corporation from which it was, by
89 operation of the provisions of this section, transferred, and the corporation shall succeed to all
90 the relations, obligations and liabilities, and shall execute and perform all the trusts and
91 obligations devolving upon it, in the same manner as though it had itself assumed the relation
92 or trust.

11. Notwithstanding any other provisions of law to the contrary, a bank, trust company or affiliate thereof, when acting as a trustee, investment advisor, custodian, or otherwise in a fiduciary capacity with respect to the investment and reinvestment of assets may invest and reinvest the assets, subject to the standards contained in section [456.520] **456.8-816**, RSMo, **and sections 469.900 to 469.913, RSMo**, in the securities of any open-end or closed-end management investment company or investment trust registered pursuant to the federal Investment Company Act of 1940 as amended (15 U.S.C. Sections 80a-1, et seq.) (collectively, "mutual funds"), **or in shares or interests in a partnership or limited liability company or other entity that operates as a privately-offered investment fund**. Such investment and reinvestment of assets may be made notwithstanding that such bank, trust company, or affiliate provides services to the investment company or trust **or privately-offered investment fund** as investment advisor, sponsor, distributor, custodian, transfer agent, registrar, or otherwise, and receives reasonable remuneration for such services. Such bank or trust company or affiliate thereof is entitled to receive fiduciary fees with respect to such assets. For such services the bank or trust company or affiliate thereof shall be entitled only to the normal fiduciary fee but neither a bank, trust company nor affiliate shall be required to reduce or waive its compensation for services provided in connection with the investment and management of assets because the fiduciary invests, reinvests or retains assets in a mutual fund **or privately-offered investment fund**. The provisions of this subsection apply to any trust, advisory, custody or other fiduciary relationship established before or after August 28, 1999, unless the governing instrument refers to this section and provides otherwise.

12. As used in this section, the term "trust company" applies to any state or national bank or trust company qualified to act as fiduciary in this state.

379.130. 1. When investigating an accident or settling an automobile insurance policy claim, no insurer, agent, producer, or claims adjuster of an insurer shall assign a percentage of fault to a party based upon the sole fact that the party was operating a motorcycle in an otherwise legal manner.

2. A violation of this section shall be an unfair trade practice as defined by sections 375.930 to 375.948, RSMo, and shall be subject to all of the provisions and penalties provided by such sections.

3. As used in this section, the term "insurer" shall mean any insurance company, association or exchange authorized to issue policies of automobile insurance in the state of Missouri. The term "automobile insurance policy" shall mean a policy providing automobile liability coverage, uninsured motorists coverage, automobile medical payments coverage or automobile physical damage coverage insuring a private passenger automobile owned by an individual or partnership.

386.266. 1. Subject to the requirements of this section, any electrical corporation may make an application to the commission to approve rate schedules authorizing an interim energy charge, or periodic rate adjustments outside of general rate proceedings to reflect increases and decreases in its prudently incurred fuel and purchased-power costs, including transportation. The commission may, in accordance with existing law, include in such rate schedules features designed to provide the electrical corporation with incentives to improve the efficiency and cost-effectiveness of its fuel and purchased-power procurement activities.

2. Subject to the requirements of this section, any electrical, gas, or water corporation may make an application to the commission to approve rate schedules authorizing periodic rate adjustments outside of general rate proceedings to reflect increases and decreases in its prudently incurred costs, whether capital or expense, to comply with any federal, state, or local environmental law, regulation, or rule. Any rate adjustment made under such rate schedules shall not exceed an annual amount equal to two and one-half percent of the electrical, gas, or water corporation's Missouri gross jurisdictional revenues, excluding gross receipts tax, sales tax and other similar pass-through taxes not included in tariffed rates, for regulated services as established in the utility's most recent general rate case or complaint proceeding. In addition to the rate adjustment, the electrical, gas, or water corporation shall be permitted to collect any applicable gross receipts tax, sales tax, or other similar pass-through taxes, and such taxes shall not be counted against the two and one-half percent rate adjustment cap.

Any costs not recovered as a result of the annual two and one-half percent limitation on rate adjustments may be deferred, at a carrying cost each month equal to the utilities net of tax cost of capital, for recovery in a subsequent year or in the corporation's next general rate case or complaint proceeding.

3. Subject to the requirements of this section, any gas corporation may make an application to the commission to approve rate schedules authorizing periodic rate adjustments outside of general rate proceedings to reflect the nongas revenue effects of increases or decreases in residential and commercial customer usage due to variations in either weather, conservation, or both.

4. The commission shall have the power to approve, modify, or reject adjustment mechanisms submitted under subsections 1 to 3 of this section only after providing the opportunity for a full hearing in a general rate proceeding, including a general rate proceeding initiated by complaint. The commission may approve such rate schedules after considering all relevant factors which may affect the costs or overall rates and charges of the corporation, provided that it finds that the adjustment mechanism set forth in the schedules:

(1) Is reasonably designed to provide the utility with a sufficient opportunity to earn a fair return on equity;

37 (2) Includes provisions for an annual true-up which shall accurately and appropriately
38 remedy any over- or under-collections, including interest at the utility's short-term borrowing
39 rate, through subsequent rate adjustments or refunds;

40 (3) In the case of an adjustment mechanism submitted under subsections 1 and 2 of this
41 section, includes provisions requiring that the utility file a general rate case with the effective
42 date of new rates to be no later than four years after the effective date of the commission order
43 implementing the adjustment mechanism. However, with respect to each mechanism, the
44 four-year period shall not include any periods in which the utility is prohibited from collecting
45 any charges under the adjustment mechanism, or any period for which charges collected under
46 the adjustment mechanism must be fully refunded. In the event a court determines that the
47 adjustment mechanism is unlawful and all moneys collected thereunder are fully refunded, the
48 utility shall be relieved of any obligation under that adjustment mechanism to file a rate case;

49 (4) In the case of an adjustment mechanism submitted under subsection 1 or 2 of this
50 section, includes provisions for prudence reviews of the costs subject to the adjustment
51 mechanism no less frequently than at eighteen-month intervals, and shall require refund of any
52 imprudently incurred costs plus interest at the utility's short-term borrowing rate.

53 5. Once such an adjustment mechanism is approved by the commission under this
54 section, it shall remain in effect until such time as the commission authorizes the modification,
55 extension, or discontinuance of the mechanism in a general rate case or complaint proceeding.

56 6. Any amounts charged under any adjustment mechanism approved by the commission
57 under this section shall be separately disclosed on each customer bill.

58 7. The commission may take into account any change in business risk to the corporation
59 resulting from implementation of the adjustment mechanism in setting the corporation's allowed
60 return in any rate proceeding, in addition to any other changes in business risk experienced by
61 the corporation.

62 8. In the event the commission lawfully approves an incentive- or performance-based
63 plan, such plan shall be binding on the commission for the entire term of the plan. This
64 subsection shall not be construed to authorize or prohibit any incentive- or performance-based
65 plan.

66 9. [Prior to August 28, 2005,] The commission shall have the authority to promulgate
67 rules under the provisions of chapter 536, RSMo, as it deems necessary, to govern the structure,
68 content and operation of such rate adjustments, and the procedure for the submission, frequency,
69 examination, hearing and approval of such rate adjustments. Such rules shall be promulgated
70 no later than one hundred fifty days after the initiation of such rulemaking proceeding. Any
71 electrical, gas, or water corporation may apply for any adjustment mechanism under this section
72 whether or not the commission has promulgated any such rules.

73 10. Nothing contained in this section shall be construed as affecting any existing
74 adjustment mechanism, rate schedule, tariff, incentive plan, or other ratemaking mechanism
75 currently approved and in effect.

76 11. Each of the provisions of this section is severable. In the event any provision or
77 subsection of this section is deemed unlawful, all remaining provisions shall remain in effect.

78 12. [The provisions of this section shall take effect on January 1, 2006, and] The
79 commission shall have previously promulgated rules to implement the application process for
80 any rate adjustment mechanism under this section prior to the commission issuing an order for
81 any rate adjustment.

82 13. The public service commission shall appoint a task force, consisting of all interested
83 parties, to study and make recommendations on the cost recovery and implementation of
84 conservation and weatherization programs for electrical and gas corporations.

417.011. A mark by which the goods or services of any applicant for registration may
2 be distinguished from the goods or services of others shall not be registered if it:

3 (1) Consists of or comprises immoral, deceptive or scandalous matter; or

4 (2) Consists of or comprises matter which may disparage or falsely suggest a connection
5 with persons, living or dead, institutions, beliefs, or national symbols, or bring them into
6 contempt, or disrepute; or

7 (3) Consists of or comprises the flag or coat of arms or other insignia of the United
8 States, or of any state or municipality, or of any foreign nation, or any simulation thereof; or

9 (4) Consists of or comprises the name, signature or portrait of any living individual,
10 except with the written consent; or

11 (5) Consists of a mark which, (a) when applied to the goods or services of the applicant,
12 is merely descriptive or deceptively misdescriptive of them, or (b) when applied to the goods or
13 services of the applicant, is primarily geographically descriptive or deceptively misdescriptive
14 of them, or (c) is primarily merely a surname; provided, however, that nothing in this section
15 shall prevent the registration of a mark used in this state by the applicant which has become
16 distinctive of the applicant's goods or services. The secretary of state may accept as evidence
17 that the mark has become distinctive, as applied to the applicant's goods or services, proof of
18 continuous use thereof as a mark by the applicant in the state or elsewhere for the five years next
19 preceding the date of the filing of the application for registration; or

20 (6) Consists of or comprises a mark which so resembles a mark registered in this state,
21 or a mark or trade name previously used in this state by another and not abandoned, as to be
22 likely, when applied to the goods or services of the applicant, to cause confusion or mistake or
23 to deceive. **The duty of the secretary of state under this subsection shall be limited to**
24 **examination of its registration records.**

417.016. 1. Subject to the limitations set forth in sections 417.005 to 417.066, any person who adopts and uses a mark in this state may file in the office of the secretary of state, on a form to be authorized or furnished by the secretary of state, an application for registration of that mark setting forth, but not limited to, the following information:

(1) The name and business address of the person applying for such registration; and, if a corporation, the state of incorporation;

(2) The goods or services in connection with which the mark is used and the mode or manner in which the mark is used in connection with such goods or services and the class in which such goods or services fall;

(3) The date when the mark was first used anywhere and the date when it was first used in this state by the applicant or his predecessor in business, **unless an application is filed under subsection 2 of this section;** and

(4) A statement that the applicant is the owner of the mark and that no other person has the right to use such mark in this state either in the identical form thereof or in such near resemblance thereto as might be calculated to deceive or to be mistaken therefor.

2. An application for registration may be filed under this section if the applicant provides a signed statement providing that it has a bona fide intention to use the mark in commerce on or in connection with the goods or services listed in the application. If the statement is not filed with the initial application, the statement shall allege that the applicant had a bona fide intention to use the mark in commerce on or in connection with the goods or services listed in the application as of the filing date of the application.

3. The application shall be signed [and verified] by the applicant or by a member of the firm or an officer of the corporation or association applying.

[3.] **4.** The application shall be accompanied by a specimen or facsimile of such mark, in triplicate, **for each class of goods or services in which the applicant would like to register the mark. A trademark specimen is a label, tag, or container for the goods, or a display associated with the goods. The secretary of state may accept another document related to the goods or the sale of the goods when it is not possible to place the mark on the goods or packaging for the goods. A service mark specimen shall show the mark as actually used in the sale or advertising of the services.**

[4.] **5.** The application for registration shall be accompanied by a fee of [fifty] **seventy-five dollars for each class for which the applicant would like to register the mark,** payable to the director of revenue.

[5.] **6.** The secretary of state may also require a statement as to whether an application to register the mark, or portions or a composite thereof, has been filed by the applicant or a predecessor in interest in the United States Patent and Trademark Office; and, if so, the applicant shall provide full particulars with respect thereof including the filing date and serial number of

38 each application, the status thereof and, if any application was finally refused registration or has
39 otherwise not resulted in a registration, the reasons therefor.

40 [6.] 7. The secretary of state may also require that a drawing of the mark, complying
41 with such requirements as the secretary of state may specify, accompany the application.

42 [7.] 8. Upon the filing of an application for registration and payment of the application
43 fee, the secretary of state may cause the application to be examined for conformity with sections
44 417.005 to 417.066.

45 [8.] 9. The applicant shall provide [any additional pertinent information requested by
46 the] to the secretary of state [including] a **written** description of a design mark and may make,
47 or authorize the secretary of state to make, such amendments to the application as may be
48 reasonably requested by the secretary of state or deemed by the applicant to be advisable to
49 respond to any rejection or objection.

50 [9.] 10. The secretary of state may require the applicant to disclaim an unregistrable
51 component of a mark otherwise registrable, and an applicant may voluntarily disclaim a
52 component of a mark sought to be registered. No disclaimer shall prejudice or affect the
53 applicant's or registrant's rights then existing or thereafter arising in the disclaimed matter, or the
54 applicant's or registrant's rights of registration on another application if the disclaimed matter
55 be or shall have become distinctive of the applicant's or registrant's goods or services.

56 [10.] 11. Amendments may be made by the secretary of state upon the application
57 submitted by the applicant with the applicant's agreement; or a fresh application may be required
58 to be submitted.

59 [11.] 12. If the applicant is found not to be entitled to registration, the secretary of state
60 shall advise the applicant thereof and of the reasons therefor. The applicant shall have a
61 reasonable period of time specified by the secretary of state in which to reply or to amend the
62 application, in which event the application shall then be reexamined. This procedure may be
63 repeated until:

64 (1) The secretary of state finally refuses registration of the mark; or

65 (2) The applicant fails to reply or amend within the specified period, whereupon the
66 application shall be deemed to have been abandoned.

67 [12.] 13. If the secretary of state finally refuses registration of the mark, the applicant
68 may seek, in the circuit court of Cole County, an extraordinary writ to compel such registration.
69 Such injunction may be granted, but without costs to the secretary of state, on proof that all the
70 statements in the application are true and that the mark is otherwise entitled to registration.

71 [13.] 14. In the instance of applications concurrently being processed by the secretary
72 of state seeking registration of the same or confusingly similar marks for the same or related
73 goods or services, the secretary of state shall grant priority to the applications in order of filing.
74 If a prior-filed application is granted a registration, the other application or applications shall

75 then be rejected. Any rejected applicant may bring an action for cancellation of the registration
76 upon grounds of prior or superior rights to the mark, in accordance with the provisions of section
77 417.041.

417.018. The secretary of state may collect an additional fee of five dollars on each and
2 every fee required in this chapter. **If a filing pertains to multiple classes, the secretary of**
3 **state may collect a fee of five dollars for each class so provided.** All fees collected as
4 provided in this section shall be deposited in the state treasury and credited to the secretary of
5 state's technology trust fund account. The provisions of this section shall expire on December
6 31, 2009.

417.026. 1. Registration of a mark hereunder shall be effective for a term of ten years
2 from the date of registration and, upon application filed within six months prior to the expiration
3 of such term, on a form to be authorized or furnished by the secretary of state, the registration
4 may be renewed for a like term. A renewal fee of [ten] **twenty** dollars, payable to the director
5 of revenue, shall accompany the application for renewal of the registration. A mark registration
6 may be renewed for successive periods of ten years in like manner.

7 2. The secretary of state shall notify registrants of marks hereunder of the necessity of
8 renewal within the year next preceding the expiration of the ten years from the date of
9 registration, by writing to the last known address of the registrants.

10 3. Any registration in force on September 28, 1973, shall expire ten years from the date
11 of the registration or of the last renewal thereof or September 28, 1974, whichever is later, and
12 may be renewed by filing an application with the secretary of state on a form authorized or
13 furnished by him and paying the aforementioned renewal fee therefor within six months prior
14 to the expiration of the registration.

15 4. All applications for renewals under sections 417.005 to 417.066 whether of
16 registrations made under sections 417.005 to 417.066 or of registrations effected under any prior
17 act, shall include a statement that the mark is still in use in this state.

18 5. The secretary of state shall within six months after September 28, 1973, notify all
19 registrants of marks under previous acts of the date of expiration of such registrations unless
20 renewed in accordance with the provisions of sections 417.005 to 417.066, by writing to the last
21 known address of the registrants.

417.031. 1. Any mark and its registration hereunder shall be assignable with the
2 goodwill of the business in which the mark is used, or with that part of the goodwill of the
3 business connected with the use of and symbolized by the mark. Assignment shall be in writing
4 upon transmittal forms authorized or furnished by the secretary of state and may be recorded
5 with the secretary of state upon the payment of a fee of [fifty] **seventy-five** dollars payable to
6 the director of revenue who, upon recording of the assignment, shall issue in the name of the
7 assignee a new certificate for the remainder of the term of the registration or of the last renewal

8 thereof. An assignment of any registration under sections 417.005 to 417.066 shall be void as
9 against any subsequent purchaser for valuable consideration without notice, unless it is recorded
10 with the secretary of state within three months after the date thereof or prior to such subsequent
11 purchase.

12 2. Any registrant or applicant effecting a change of the name of the person to whom the
13 mark was issued or for whom an application was filed may record, upon a transmittal form
14 authorized or furnished by the secretary of state, a certificate of change of name of the registrant
15 or applicant with the secretary of state upon the payment of the recording fee **of seventy-five**
16 **dollars**. The secretary of state may issue in the name of the assignee a certificate of registration
17 of an assigned application. The secretary of state may issue in the name of the assignee, a new
18 certificate or registration for the remainder of the term of the registration or last renewal thereof.

19 3. Acknowledgment shall be prima facie evidence of the execution of an assignment or
20 other instrument and, when recorded by the secretary of state, the record shall be prima facie
21 evidence of execution.

417.046. 1. The general classes of goods and services as provided in this section are
2 established for convenience of administration of sections 417.005 to 417.066, but not to limit
3 or extend the applicant's or registrant's rights[, and a single application for registration of a mark
4 may include any or all goods upon which, or services with which, the mark is actually being
5 used comprised in a single class, but in no event shall a single application include goods or
6 services upon which the mark is being used which fall within different classes of goods or
7 services]. **Applications for registration of a mark may include any or all goods upon which,**
8 **or services with which, the mark is actually being used, or in which the applicant has a**
9 **bona fide intention to use.**

10 2. **In a single application, an applicant may apply to register the same mark for**
11 **goods or services in multiple classes. The applicant shall:**

- 12 (1) **Specifically identify the goods or services in each class;**
13 (2) **Submit an application filing fee for each class as provided in this chapter; and**
14 (3) **Include either dates of use and one specimen for each class, or shall allege that**
15 **the applicant has a bona fide intention to use the mark in commerce on or in connection**
16 **with the goods or services listed in the application.**

17 3. The classes of goods and services are as follows:
18

19 **GOODS**

- 20 (1) **Chemicals used in industry, science, and photography, as well as in agriculture,**
21 **horticulture, and forestry; unprocessed artificial resins; unprocessed plastics; manures;**
22 **fire extinguishing compositions; tempering and soldering preparations; chemical**
23 **substances for preserving foodstuffs; tanning substances; adhesives used in industry;**

- 24 (2) **Paints, varnishes, and lacquers; preservatives against rust and against**
25 **deterioration of wood; colorants; mordants; raw natural resins; metals in foil and powder**
26 **form for painters, decorators, printers, and artists;**
- 27 (3) **[Cosmetics and cleaning preparations] Bleaching preparations and other**
28 **substances for laundry use; cleaning, polishing, scouring, and abrasive preparations;**
29 **soaps; perfumery; essential oils; cosmetics; hair lotions; dentifrices;**
- 30 (4) **[Lubricants and fuels] Industrial oils and greases; lubricants; dust absorbing,**
31 **wetting, and binding compositions; fuels, including motor spirit; illuminants; candles;**
32 **wicks;**
- 33 (5) **Pharmaceuticals, veterinary, and sanitary preparations; dietetic substances**
34 **adapted for medical use; food for babies; plasters; material for dressings; material for**
35 **stopping teeth; dental wax; disinfectants; preparations for destroying vermin; fungicides;**
36 **herbicides;**
- 37 (6) **[Metal goods] Common metals and their alloys; metal building materials;**
38 **transportable buildings of metal; materials of metal for railway tracks; nonelectric cables**
39 **and wires of common metal; ironmongery; small items of metal hardware; pipes and tubes**
40 **of metal; safes; goods of common metal not included in other classes; ores;**
- 41 (7) **[Machinery] Machines and machine tools; motors and engines, except for land**
42 **vehicles; machine coupling and transmission components, except for land vehicles;**
43 **agricultural implements not hand-operated; incubators for eggs;**
- 44 (8) **Hand tools and hand-operated implements; cutlery; side arms; razors;**
- 45 (9) **[Electrical and scientific apparatus] Scientific, nautical, surveying, electric,**
46 **photographic, cinematographic, optical, weighing, measuring, signaling, checking**
47 **(supervision), life-saving, and teaching apparatus and instruments; apparatus for**
48 **recording, transmission, or reproduction of sound or images; magnetic data carriers;**
49 **recording discs; automatic vending machines and mechanisms for coin-operated**
50 **apparatus; cash registers; calculating machines; data processing equipment and**
51 **computers; fire extinguishing apparatus;**
- 52 (10) **[Medical apparatus] Surgical, medical, dental, and veterinary apparatus and**
53 **instruments; artificial limbs, eyes, and teeth; orthopedic articles; suture materials;**
- 54 (11) **[Environmental control apparatus] Apparatus for lighting, heating, steam**
55 **generating, cooking, refrigerating, drying, ventilating, water supply, and sanitary**
56 **purposes;**
- 57 (12) **Vehicles and apparatus for locomotion by land, air, or water;**
- 58 (13) **Firearms; ammunition and projectiles; explosives; fireworks;**

- 59 (14) [Jewelry] **Precious metals and their alloys and goods in precious metals or**
60 **coated therewith, not included in other classes; jewelry and precious stones; horological**
61 **and chronometric instruments;**
- 62 (15) Musical instruments;
- 63 (16) [Paper goods and printed matter] **Paper, cardboard, and goods made from these**
64 **materials, not included in other classes; printed matter; bookbinding material;**
65 **photographs; stationery; adhesives for stationery or household purposes; artists'**
66 **materials; paint brushes; typewriters and office requisites, except furniture; instructional**
67 **and teaching material, except apparatus; plastic materials for packaging, not included in**
68 **other classes; playing cards; printers' type; printing blocks;**
- 69 (17) Rubber [goods] , **gutta-percha, gum, asbestos, mica, and goods made from these**
70 **materials and not included in other classes; plastics in extruded form for use in**
71 **manufacture; packing, stopping, and insulating materials; flexible pipes, not of metal;**
- 72 (18) Leather [goods] , **imitations of leather, and goods made of these materials and**
73 **not included in other classes; animal skins and hides; trunks and traveling bags;**
74 **umbrellas, parasols, and walking sticks; whips, harnesses, and saddlery;**
- 75 (19) Nonmetallic building materials; **nonmetallic rigid pipes for building; asphalt,**
76 **pitch, and bitumen; nonmetallic transportable buildings; monuments, not of metal;**
- 77 (20) Furniture [and articles not otherwise classified] , **mirrors, and picture frames;**
78 **goods of wood, cork, reed, cane, wicker, horn, bone, ivory, whalebone, shell, amber,**
79 **mother-of-pearl, meerschaum and substitutes for all these materials, or of plastics;**
- 80 (21) [Housewares and glass] **Household or kitchen utensils and containers not of**
81 **precious metal or coated therewith; combs and sponges; brushes, except paint brushes;**
82 **brush-making material; articles for cleaning purposes; steel wool; unworked or semi-**
83 **worked glass, except glass used in building; glassware, porcelain, and earthenware not**
84 **included in other classes;**
- 85 (22) [Cordage and fibers] **Ropes, strings, nets, tents, awnings, tarpaulins, sails, sacks,**
86 **and bags not included in other classes; padding and stuffing materials, except of rubber**
87 **or plastics; raw fibrous textile materials;**
- 88 (23) Yarns and threads **for textile use;**
- 89 (24) [Fabrics] **Textiles and textile goods, not included in other classes; beds and**
90 **table covers;**
- 91 (25) Clothing, **footwear, and headgear;**
- 92 (26) [Fancy goods] **Lace and embroidery; ribbons and braid; buttons, hooks, and**
93 **eyes; pins and needles; artificial flowers;**

94 (27) [Floor coverings] **Carpets, rugs, mats, and matting; linoleum and other**
95 **materials for covering existing floors; nontextile wall hangings;**

96 (28) [Toys and sporting goods] **Games and playthings; gymnastics and sporting**
97 **articles not included in other classes; decorations for Christmas trees;**

98 (29) [Meats and processed foods] **Meat, fish, poultry, and game; meat extracts;**
99 **preserved, dried, and cooked fruits and vegetables; jellies, jams, and fruit sauces; eggs,**
100 **milk, and milk products; edible oils and fats;**

101 (30) [Staple foods] **Coffee, tea, cocoa, sugar, rice, tapioca, sago, and artificial coffee;**
102 **flour and preparations made from cereals, bread, pastry and confectionary; ices; honey;**
103 **treacle; yeast; baking powder; salt; mustard; vinegar; sauces (condiments); spices;**

104 (31) [Natural agricultural products] **Agricultural, horticultural, and forestry products**
105 **and grains not included in other classes; live animals; fresh fruits and vegetables; seeds,**
106 **natural plants, and flowers; foodstuffs for animals; malt;**

107 (32) [Light beverages] **Beers; mineral and aerated waters and other nonalcoholic**
108 **drinks; fruit drinks and fruit juices; syrups and other preparations for making beverages;**

109 (33) [Wines and spirits] **Alcoholic beverages, except beer; and**

110 (34) [Smokers' articles] **Tobacco; smokers' articles; matches.**

111

112 SERVICES

113 (35) [Advertising and business] **Advertising; business management; business**
114 **administration; office functions;**

115 (36) [Insurance and financial] **Insurance; financial affairs; monetary affairs; real**
116 **estate affairs;**

117 (37) [Construction and repair] **Building construction; repair; installation services;**

118 (38) [Communications] **Telecommunications;**

119 (39) [Transportation and storage] **Transport; packaging and storage of goods; travel**
120 **arrangement;**

121 (40) [Material treatment] **Treatment of materials;**

122 (41) Education [and entertainment and] ; **providing of training; entertainment;**
123 **sporting and cultural activities;**

124 (42) [Miscellaneous] **Scientific and technological services, research, and design**
125 **relating thereto; industrial analysis and research services; design and development of**
126 **computer hardware; legal services;**

127 (43) **Services for providing food and drink; temporary accommodations;**

128 (44) **Medical services; veterinary services; hygienic and beauty care for human**
129 **beings or animals; agriculture, horticulture, and forestry services; and**

130 **(45) Personal and social services rendered by others to meet the needs of**
131 **individuals; security services for the protection of property and individuals.**

417.049. The secretary of state shall promulgate rules to implement the provisions
2 **of this chapter. Any rule or portion of a rule, as that term is defined in section 536.010,**
3 **RSMo, that is created under the authority delegated in this section shall become effective**
4 **only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and,**
5 **if applicable, section 536.028, RSMo. This chapter and chapter 536, RSMo, are**
6 **nonseverable and if any of the powers vested with the general assembly pursuant to**
7 **chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule**
8 **are subsequently held unconstitutional, then the grant of rulemaking authority and any**
9 **rule proposed or adopted after August 28, 2008, shall be invalid and void.**

 417.210. 1. Every person, general partnership, corporation, or other business
2 organization who engages in business in this state under a fictitious name or under any name
3 other than the true name of such person, general partnership, corporation, or other business
4 entity shall within five days after the beginning or engaging in business under such fictitious
5 name file in a format as prescribed by the secretary of state. The execution of the filing required
6 in this section shall be subject to the penalties of making a false declaration pursuant to section
7 575.060, RSMo, that the facts stated therein are true and that all parties concerned are duly
8 authorized to execute such document and are otherwise required to file such document pursuant
9 to this section.

10 2. A fictitious name shall not contain any word or phrase that indicates or implies that
11 it is any governmental agency or that is seriously misleading.

12 3. This registration shall state:

13 (1) The fictitious name;

14 (2) The physical business address;

15 (3) The name or names and the residence or business address of every party owning any
16 interest or part in the business.

17 4. If the business or owner's or owners' interest ceases to exist or change within five days
18 of such change, it shall be required to file a cancellation of the fictitious name in a format
19 prescribed by the secretary of state and if desired may file a new registration of a new fictitious
20 name as prescribed in this section.

21 5. If the interest of any owner of a business conducted under a fictitious name registered
22 as provided in this section is such that such owner may claim not to be jointly and severally
23 liable to third parties with respect to debts and obligations incurred by such business, the
24 registration relating to such business shall reflect the respective exact ownership interests of each
25 owner of such business. In the case of any other business registered as provided in this section,
26 disclosure of the respective exact ownership interests shall be optional.

27 6. For purposes of this section, a partnership or other entity formed for the practice of
28 a licensed profession shall not be deemed to be engaged in the conduct of business,
29 notwithstanding the transaction by such entity of business ancillary to the practice of such
30 licensed profession.

31 7. All fictitious name registrations filed on or after August 28, 2004, shall be governed
32 by the provisions of this section and shall remain active on the record of the secretary of state
33 for a period of five years. Such registered fictitious name filing shall expire at the end of the
34 five-year period unless a renewal is filed under subsection 9 of this section.

35 8. All active fictitious name registrations filed prior to August 28, 2004, shall remain
36 active on the record of the secretary of state for a period of five years. Such registered fictitious
37 name filing shall expire **[at] on the month and day on which the registrations were originally**
38 **filed which occurs immediately following** the end of the five-year period unless a renewal is
39 filed under subsection 9 of this section.

40 9. A renewal filing shall be filed in a format prescribed by the secretary of state within
41 six months prior to the expiration date of the fictitious name registration. Such renewal filing
42 shall state:

- 43 (1) The fictitious name and assigned charter number;
44 (2) The physical business address;
45 (3) The name or names and the residence or business address of every party owning any
46 interest or part in the business.

47 10. A renewal filing continues the effective registration of the fictitious name for five
48 years after the date the effective registration would otherwise expire.

49 11. Fictitious name registrations filed before August 28, 2004, shall be inactivated by
50 the secretary of state on or **[after] before August 28, [2009] 2010**, unless a renewal filing is filed
51 under subsection 9 of this section.

52 12. The secretary of state may remove from its active records the registration of a
53 fictitious name filing whose registration has been withdrawn, cancelled, or has expired.

427.225. 1. Deceptive use of a financial institution's name in notification or solicitation
2 occurs when a business, or a person acting on its behalf, engages in the following activity:

3 (1) Through advertisement, solicitation, or other notification, either verbally or through
4 any other means, informs a consumer of the availability of any type of goods or services that are
5 not free;

6 (2) The name of an unrelated and unaffiliated financial institution is mentioned in any
7 manner;

8 (3) The goods or services mentioned are not actually provided by the unrelated and
9 unaffiliated financial institution whose name is mentioned;

10 (4) The business on whose behalf the notification or solicitation is made does not have
11 a consensual right to mention the name of the unrelated and unaffiliated financial institution; and

12 (5) Neither the actual name nor trade name of the business on whose behalf the
13 notification or solicitation is being made is stated, nor the actual name or trade name of any
14 actual provider of the goods or services is stated, so as to clearly identify for the consumer a
15 name that is distinguishable and separate from the name of the unrelated and unaffiliated
16 financial institution whose name is mentioned in any manner in the notification or solicitation,
17 and thereby a misleading implication or ambiguity is created, such that a consumer who is the
18 recipient of the advertisement, solicitation or notification may reasonably but erroneously
19 believe:

20 (a) That the goods or services whose availability is mentioned are made available by or
21 through the unrelated and unaffiliated financial institution whose name is mentioned; or

22 (b) That the unrelated and unaffiliated financial institution whose name is mentioned is
23 the one communicating with the consumer.

24 2. Deceptive use of another's name in notification or solicitation occurs when a business,
25 or a person acting on its behalf, engages in the following activity:

26 (1) Falsely states or implies that any person, product or service is recommended or
27 endorsed by a named third-person financial institution; or

28 (2) Falsely states that information about the consumer including but not limited to the
29 name, address, or phone number of the consumer has been provided by a third-person financial
30 institution, whether that person is named or unnamed.

31 3. [Only] The financial institution whose name is deceptively used, as provided in this
32 section, may bring a private civil action and recover a minimum amount of ten thousand dollars,
33 court costs, and attorney fees plus any damages such financial institution may prove at trial.

34 4. For the purposes of this section, a financial institution includes a commercial bank,
35 savings and loan association, savings bank, credit union, mortgage banker, or consumer finance
36 company, or an institution chartered pursuant to the provisions of an act of the United States
37 known as the Farm Credit Act of 1971.

38 **5. Nothing contained in this section shall bar the attorney general from enforcing**
39 **the provisions of sections 407.010 to 407.145, RSMo.**

429.015. 1. Every registered architect or corporation registered to practice architecture,
2 every registered professional engineer or corporation registered to practice professional
3 engineering, every registered landscape architect or corporation registered to practice landscape
4 architecture, and every registered land surveyor or corporation registered to practice land
5 surveying, who does any landscape architectural, architectural, engineering or land surveying
6 work upon or performs any landscape architectural, architectural, engineering or land surveying
7 service directly connected with the erection or repair of any building or other improvement upon

8 land under or by virtue of any contract with the owner or lessee thereof, or such owner's or
9 lessee's agent, trustee, contractor or subcontractor, or without a contract if ordered by a city,
10 town, village or county having a charter form of government to abate the conditions that caused
11 a structure on that property to be deemed a dangerous building under local ordinances pursuant
12 to section 67.410, RSMo, upon complying with the provisions of this chapter, shall have for such
13 person's landscape architectural, architectural, engineering or land surveying work or service so
14 done or performed, a lien upon the building or other improvements and upon the land belonging
15 to the owner or lessee on which the building or improvements are situated, to the extent of [one
16 acre] **three acres**. If the building or other improvement is upon any lot of land in any town, city
17 or village, then the lien shall be upon such building or other improvements, and the lot or land
18 upon which the building or other improvements are situated, to secure the payment for the
19 landscape architectural, architectural, engineering or land surveying work or service so done or
20 performed. For purposes of this section, a corporation engaged in the practice of architecture,
21 engineering, landscape architecture, or land surveying, shall be deemed to be registered if the
22 corporation itself is registered under the laws of this state to practice architecture, engineering
23 or land surveying.

24 2. Every mechanic or other person who shall do or perform any work or labor upon or
25 furnish any material or machinery for the digging of a well to obtain water under or by virtue
26 of any contract with the owner or lessee thereof, or such owner's or lessee's agent, trustee,
27 contractor or subcontractor, upon complying with the provisions of sections 429.010 to 429.340
28 shall have for such person's work or labor done, or materials or machinery furnished, a lien upon
29 the land belonging to such owner or lessee on which the same are situated, to the extent of [one
30 acre] **three acres**, to secure the payment of such work or labor done, or materials or machinery
31 furnished as aforesaid.

32 3. Every mechanic or other person who shall do or perform any work or labor upon, or
33 furnish any material, fixtures, engine, boiler or machinery, for the purpose of demolishing or
34 razing a building or structure under or by virtue of any contract with the owner or lessee thereof,
35 or such owner's or lessee's agent, trustee, contractor or subcontractor, or without a contract if
36 ordered by a city, town, village or county having a charter form of government to abate the
37 conditions that caused a structure on that property to be deemed a dangerous building under
38 local ordinances pursuant to section 67.410, RSMo, upon complying with the provisions of
39 sections 429.010 to 429.340, shall have for such person's work or labor done, or materials,
40 fixtures, engine, boiler or machinery furnished, a lien upon the land belonging to such owner or
41 lessee on which the same are situated, to the extent of [one acre] **three acres**. If the building or
42 buildings to be demolished or razed are upon any lot of land in any town, city or village, then
43 the lien shall be upon the lot or lots or land upon which the building or other improvements are
44 situated, to secure the payment for the labor and materials performed.

45 4. The provisions of sections 429.030 to 429.060 and sections 429.080 to 429.430
46 applicable to liens of mechanics and other persons shall apply to and govern the procedure with
47 respect to the liens provided for in subsections 1, 2 and 3 of this section.

48 5. Any design professional or corporation authorized to have lien rights under subsection
49 1 of this section shall have a lien upon the building or other improvement and upon the land,
50 whether or not actual construction of the planned work or improvement has commenced if:

51 (1) The owner or lessee thereof, or such owner's or lessee's agent or trustee, contracted
52 for such professional services directly with the design professional or corporation asserting the
53 lien; and

54 (2) The owner or lessee is the owner or lessee of such real property either at the time the
55 contract is made or at the time the lien is filed.

56 6. Priority between a design professional or corporation lien claimant and any other
57 mechanic's lien claimant shall be determined pursuant to the provisions of section 429.260 on
58 a pro rata basis.

59 7. In any civil action, the owner or lessee may assert defenses which include that the
60 actual construction of the planned work or improvement has not been performed in compliance
61 with the professional services contract, is impracticable or is economically infeasible.

62 8. The agreement is in writing.

**441.645. In the absence of a written contract to the contrary, if a residence is
2 destroyed by an act of God, including but not limited to fire or a tornado, or other natural
3 disaster or man-made disaster, so long as the tenant was not the person who caused the
4 disaster, the tenant shall not be liable to the landlord for rent during the remainder of the
5 term of the lease agreement.**

**441.715. Parties may prosecute their claims and defenses without the assistance of
2 an attorney. Corporations or unincorporated associations may enter their appearance and
3 be represented by a president or vice-president. Such representation shall not be deemed
4 the unauthorized practice of law.**

442.558. 1. As used in this section, the following terms shall mean:

2 (1) "Transfer", the sale, gift, conveyance, assignment, inheritance, or other transfer
3 of ownership interest in real property located in this state;

4 (2) "Transfer fee", a fee or charge payable upon the transfer of an interest in real
5 property, or payable for the right to make or accept such transfer, regardless of whether
6 the fee or charge is a fixed amount or is determined as a percentage of the value of the
7 property, the purchase price, or other consideration given for the transfer. Transfer fee
8 shall not include the following:

9 **(a) Any consideration payable by the grantee to the grantor for the interest in real**
10 **property being transferred;**

11 **(b) Any commission payable to a licensed real estate broker for the transfer of real**
12 **property under an agreement between the broker and the grantor or the grantee;**

13 **(c) Any interest, charges, fees, or other amounts payable by a borrower to a lender**
14 **under a loan secured by a mortgage against real property, including but not limited to any**
15 **fee payable to the lender for consenting to an assumption of the loan or a transfer of the**
16 **real property subject to the mortgage, any fees or charges payable to the lender for**
17 **estoppel letters or certificates, and any other consideration allowed by law and payable to**
18 **the lender in connection with the loan;**

19 **(d) Any rent, reimbursement, charge, fee, or other amount payable by a lessee to**
20 **a lessor under a lease, including but not limited to any fee payable to the lessor for**
21 **consenting to an assignment, subletting, encumbrance, or transfer of the lease;**

22 **(e) Any consideration payable to the holder of an option to purchase an interest in**
23 **real property or the holder of a right of first refusal or first offer to purchase an interest**
24 **in real property for waiving, releasing, or not exercising the option or right upon the**
25 **transfer of the property to another person;**

26 **(f) Any tax, fee, charge, assessment, fine, or other amount payable to or imposed**
27 **by a governmental authority;**

28 **(3) "Transfer fee covenant", a declaration or covenant purporting to affect real**
29 **property which requires or purports to require the payment of a transfer fee to the**
30 **declarant or other person specified in the declaration or covenant or to their successors or**
31 **assigns upon a subsequent transfer of an interest in the real property.**

32 **2. A transfer fee covenant recorded in this state on or after September 1, 2008, shall**
33 **not run with the title to real property and is not binding on or enforceable at law or in**
34 **equity against any subsequent owner, purchaser, or mortgagee of any interest in real**
35 **property as an equitable servitude or otherwise. Any lien purporting to secure the**
36 **payment of a transfer fee under a transfer fee covenant recorded in this state on or after**
37 **September 1, 2008, is void and unenforceable.**

452.305. 1. The court shall enter a judgment of dissolution of marriage if:

2 **(1) The court finds that one of the parties has been a resident of this state, or is a member**
3 **of the armed services who has been stationed in this state, for ninety days immediately preceding**
4 **the commencement of the proceeding and that thirty days have elapsed since the filing of the**
5 **petition; and**

6 (2) The court finds that there remains no reasonable likelihood that the marriage can be
7 preserved and that therefore the marriage is irretrievably broken; and

8 (3) To the extent it has jurisdiction, the court has considered and made provision for
9 child custody, the support of each child, the maintenance of either spouse and the disposition of
10 property.

11 2. The court shall enter a judgment of legal separation if:

12 (1) The court finds that one of the parties has been a resident of this state, or is a member
13 of the armed services who has been stationed in this state, for ninety days immediately preceding
14 the commencement of the proceeding and that thirty days have elapsed since the filing of the
15 petition; and

16 (2) The court finds that there remains a reasonable likelihood that the marriage can be
17 preserved and that therefore the marriage is not irretrievably broken; and

18 (3) To the extent it has jurisdiction, the court has considered and made provision for the
19 custody and the support of each child, the maintenance of either spouse and the disposition of
20 property.

21 3. Any judgment of dissolution of marriage or legal separation shall [include the Social
22 Security numbers of the parties] **state that the Social Security numbers of the parties have**
23 **been provided to the court as required in section 452.312.**

452.310. 1. In any proceeding commenced pursuant to this chapter, the petition, a
2 motion to modify, a motion for a family access order and a motion for contempt shall be
3 verified. The petition in a proceeding for dissolution of marriage shall allege that the marriage
4 is irretrievably broken and that therefore there remains no reasonable likelihood that the
5 marriage can be preserved. The petition in a proceeding for legal separation shall allege that the
6 marriage is not irretrievably broken and that therefore there remains a reasonable likelihood that
7 the marriage can be preserved.

8 2. The petition in a proceeding for dissolution of marriage or legal separation shall set
9 forth:

10 (1) The residence of each party, including the county, and the length of residence of each
11 party in this state and in the county of residence;

12 (2) The date of the marriage and the place at which it is registered;

13 (3) The date on which the parties separated;

14 (4) The name, date of birth and address of each child, and the parent with whom each
15 child has primarily resided for the sixty days immediately preceding the filing of the petition for
16 dissolution of marriage or legal separation;

17 (5) Whether the wife is pregnant;

18 (6) [The Social Security number of the petitioner, respondent and each child;
19 (7)] Any arrangements as to the custody and support of the children and the maintenance
20 of each party; and

21 [(8)] (7) The relief sought.

22 3. Upon the filing of the petition in a proceeding for dissolution of marriage or legal
23 separation, each child shall immediately be subject to the jurisdiction of the court in which the
24 proceeding is commenced, unless a proceeding involving allegations of abuse or neglect of the
25 child is pending in juvenile court. Until permitted by order of the court, neither parent shall
26 remove any child from the jurisdiction of the court or from any parent with whom the child has
27 primarily resided for the sixty days immediately preceding the filing of a petition for dissolution
28 of marriage or legal separation.

29 4. The mere fact that one parent has actual possession of the child at the time of filing
30 shall not create a preference in favor of such parent in any judicial determination regarding
31 custody of the child.

32 5. The respondent shall be served in the manner provided by the rules of the supreme
33 court and applicable court rules and, to avoid an interlocutory judgment of default, shall file a
34 verified answer within thirty days of the date of service which shall not only admit or deny the
35 allegations of the petition, but shall also set forth:

36 (1) [The Social Security number of the petitioner, respondent and each child;

37 (2)] Any arrangements as to the custody and support of the child and the maintenance
38 of each party; and

39 [(3)] (2) The relief sought.

40 6. Previously existing defenses to divorce and legal separation, including but not limited
41 to condonation, connivance, collusion, recrimination, insanity, and lapse of time, are abolished.

42 7. The petitioner and respondent shall submit a proposed parenting plan, either
43 individually or jointly, within thirty days after service of process or the filing of the entry of
44 appearance, whichever event first occurs of a motion to modify or a petition involving custody
45 or visitation issues. The proposed parenting plan shall set forth the arrangements that the party
46 believes to be in the best interest of the minor children and shall include but not be limited to:

47 (1) A specific written schedule detailing the custody, visitation and residential time for
48 each child with each party including:

49 (a) Major holidays stating which holidays a party has each year;

50 (b) School holidays for school-age children;

51 (c) The child's birthday, Mother's Day and Father's Day;

- 52 (d) Weekday and weekend schedules and for school-age children how the winter, spring,
53 summer and other vacations from school will be spent;
- 54 (e) The times and places for transfer of the child between the parties in connection with
55 the residential schedule;
- 56 (f) A plan for sharing transportation duties associated with the residential schedule;
- 57 (g) Appropriate times for telephone access;
- 58 (h) Suggested procedures for notifying the other party when a party requests a temporary
59 variation from the residential schedule;
- 60 (i) Any suggested restrictions or limitations on access to a party and the reasons such
61 restrictions are requested;
- 62 (2) A specific written plan regarding legal custody which details how the
63 decision-making rights and responsibilities will be shared between the parties including the
64 following:
- 65 (a) Educational decisions and methods of communicating information from the school
66 to both parties;
- 67 (b) Medical, dental and health care decisions including how health care providers will
68 be selected and a method of communicating medical conditions of the child and how emergency
69 care will be handled;
- 70 (c) Extracurricular activities, including a method for determining which activities the
71 child will participate in when those activities involve time during which each party is the
72 custodian;
- 73 (d) Child care providers, including how such providers will be selected;
- 74 (e) Communication procedures including access to telephone numbers as appropriate;
- 75 (f) A dispute resolution procedure for those matters on which the parties disagree or in
76 interpreting the parenting plan;
- 77 (g) If a party suggests no shared decision-making, a statement of the reasons for such
78 a request;
- 79 (3) How the expenses of the child, including child care, educational and extraordinary
80 expenses as defined in the child support guidelines established by the supreme court, will be paid
81 including:
- 82 (a) The suggested amount of child support to be paid by each party;
- 83 (b) The party who will maintain or provide health insurance for the child and how the
84 medical, dental, vision, psychological and other health care expenses of the child not paid by
85 insurance will be paid by the parties;
- 86 (c) The payment of educational expenses, if any;
- 87 (d) The payment of extraordinary expenses of the child, if any;

88 (e) Child care expenses, if any;

89 (f) Transportation expenses, if any.

90 8. If the proposed parenting plans of the parties differ and the parties cannot resolve the
91 differences or if any party fails to file a proposed parenting plan, upon motion of either party and
92 an opportunity for the parties to be heard, the court shall enter a temporary order containing a
93 parenting plan setting forth the arrangements specified in subsection 7 of this section which will
94 remain in effect until further order of the court. The temporary order entered by the court shall
95 not create a preference for the court in its adjudication of final custody, child support or
96 visitation.

97 9. Within one hundred twenty days after August 28, 1998, the Missouri supreme court
98 shall have in effect guidelines for a parenting plan form which may be used by the parties
99 pursuant to this section in any dissolution of marriage, legal separation or modification
100 proceeding involving issues of custody and visitation relating to the child.

101 10. The filing of a parenting plan for any child over the age of eighteen for whom
102 custody, visitation, or support is being established or modified by a court of competent
103 jurisdiction is not required. Nothing in this section shall be construed as precluding the filing
104 of a parenting plan upon agreement of the parties or if ordered to do so by the court for any child
105 over the age of eighteen for whom custody, visitation, or support is being established or
106 modified by a court of competent jurisdiction.

452.377. 1. For purposes of this section and section 452.375, "relocate" or "relocation"
2 means a change in the principal residence of a child for a period of ninety days or more, but does
3 not include a temporary absence from the principal residence.

4 2. Notice of a proposed relocation of the residence of the child, or any party entitled to
5 custody or visitation of the child, shall be given in writing by certified mail, return receipt
6 requested, to any party with custody or visitation rights. Absent exigent circumstances as
7 determined by a court with jurisdiction, written notice shall be provided at least sixty days in
8 advance of the proposed relocation. The notice of the proposed relocation shall include the
9 following information:

10 (1) The intended new residence, including the specific address and mailing address, if
11 known, and if not known, the city;

12 (2) The home telephone number of the new residence, if known;

13 (3) The date of the intended move or proposed relocation;

14 (4) A brief statement of the specific reasons for the proposed relocation of a child, if
15 applicable; and

16 (5) A proposal for a revised schedule of custody or visitation with the child, if
17 applicable.

18 3. A party required to give notice of a proposed relocation pursuant to subsection 2 of
19 this section has a continuing duty to provide a change in or addition to the information required
20 by this section as soon as such information becomes known.

21 4. In exceptional circumstances where the court makes a finding that the health or safety
22 of any adult or child would be unreasonably placed at risk by the disclosure of the required
23 identifying information concerning a proposed relocation of the child, the court may order that:

24 (1) The specific residence address and telephone number of the child, parent or person,
25 and other identifying information shall not be disclosed in the pleadings, notice, other documents
26 filed in the proceeding or the final order except for an in camera disclosure;

27 (2) The notice requirements provided by this section shall be waived to the extent
28 necessary to protect the health or safety of a child or any adult; or

29 (3) Any other remedial action the court considers necessary to facilitate the legitimate
30 needs of the parties and the best interest of the child.

31 5. The court shall consider a failure to provide notice of a proposed relocation of a child
32 as:

33 (1) A factor in determining whether custody and visitation should be modified;

34 (2) A basis for ordering the return of the child if the relocation occurs without notice;
35 and

36 (3) Sufficient cause to order the party seeking to relocate the child to pay reasonable
37 expenses and attorneys fees incurred by the party objecting to the relocation.

38 6. If the parties agree to a revised schedule of custody and visitation for the child, which
39 includes a parenting plan, they may submit the terms of such agreement to the court with a
40 written affidavit signed by all parties with custody or visitation assenting to the terms of the
41 agreement, and the court may order the revised parenting plan and applicable visitation schedule
42 without a hearing.

43 7. The residence of the child may be relocated sixty days after providing notice, as
44 required by this section, unless a parent files a motion seeking an order to prevent the relocation
45 within thirty days after receipt of such notice. Such motion shall be accompanied by an affidavit
46 setting forth the specific factual basis supporting a prohibition of the relocation. The person
47 seeking relocation shall file a response to the motion within fourteen days, unless extended by
48 the court for good cause, and include a counter-affidavit setting forth the facts in support of the
49 relocation as well as a proposed revised parenting plan for the child.

50 8. If relocation of the child is proposed, a third party entitled by court order to legal
51 custody of or visitation with a child and who is not a parent may file a cause of action to obtain
52 a revised schedule of legal custody or visitation, but shall not prevent a relocation.

53 9. The party seeking to relocate shall have the burden of proving that the proposed
54 relocation is made in good faith and is in the best interest of the child.

55 10. If relocation is permitted:

56 (1) The court shall order contact with the nonrelocating party including custody or
57 visitation and telephone access sufficient to assure that the child has frequent, continuing and
58 meaningful contact with the nonrelocating party unless the child's best interest warrants
59 otherwise; and

60 (2) The court shall specify how the transportation costs will be allocated between the
61 parties and adjust the child support, as appropriate, considering the costs of transportation.

62 11. After August 28, 1998, every court order establishing or modifying custody or
63 visitation shall include the following language: "Absent exigent circumstances as determined
64 by a court with jurisdiction, you, as a party to this action, are ordered to notify, in writing by
65 certified mail, return receipt requested, and at least sixty days prior to the proposed relocation,
66 each party to this action of any proposed relocation of the principal residence of the child,
67 including the following information:

68 (1) The intended new residence, including the specific address and mailing address, if
69 known, and if not known, the city;

70 (2) The home telephone number of the new residence, if known;

71 (3) The date of the intended move or proposed relocation;

72 (4) A brief statement of the specific reasons for the proposed relocation of the child; and

73 (5) A proposal for a revised schedule of custody or visitation with the child.

74

75 Your obligation to provide this information to each party continues as long as you or any other
76 party by virtue of this order is entitled to custody of a child covered by this order. Your failure
77 to obey the order of this court regarding the proposed relocation may result in further litigation
78 to enforce such order, including contempt of court. In addition, your failure to notify a party of
79 a relocation of the child may be considered in a proceeding to modify custody or visitation with
80 the child. Reasonable costs and attorney fees may be assessed against you if you fail to give the
81 required notice. **The residence of the child may be relocated sixty days after providing**
82 **notice, as required in this section, unless a parent files a motion seeking an order to prevent**
83 **the relocation within thirty days after receipt of such notice. Such motion shall be**
84 **accompanied by an affidavit setting forth the specific factual basis supporting a prohibition**
85 **of the relocation. The person seeking relocation shall file a response to the motion within**
86 **fourteen days, unless extended by the court for good cause, and include a counter-affidavit**

87 **setting forth the facts in support of the relocation as well as a proposed revised parenting**
88 **plan for the child."**

89 12. Violation of the provisions of this section or a court order under this section may be
90 deemed a change of circumstance under section 452.410, allowing the court to modify the prior
91 custody decree. In addition, the court may utilize any and all powers relating to contempt
92 conferred on it by law or rule of the Missouri supreme court.

93 13. Any party who objects in good faith to the relocation of a child's principal residence
94 shall not be ordered to pay the costs and attorney's fees of the party seeking to relocate.

452.380. 1. A party to a custody proceeding may move for a temporary custody order.
2 **A court is authorized to issue an order of temporary custody, visitation, or support**
3 **prompted solely by a motion for modification.** The motion must be supported by an affidavit.
4 The court may award temporary custody after a hearing or, if there is no objection, solely on the
5 basis of the affidavits.

6 2. If a proceeding for dissolution of marriage or legal separation is dismissed, any
7 temporary custody order is vacated unless a parent or the child's custodian moves that the
8 proceeding continue as a custody proceeding and the court finds, after a hearing, that the
9 circumstances of the parents and the best interest of the child require that a custody decree be
10 issued.

452.615. Sections 452.615 to 452.670 shall be known and may be cited as the
2 **"Uniform Premarital Agreement Act".**

452.620. As used in sections 452.615 to 452.670:

2 (1) "Premarital agreement" means an agreement between prospective spouses
3 made in contemplation of marriage and to be effective upon marriage;

4 (2) "Property" means an interest, present or future, legal or equitable, vested or
5 contingent, in real or personal property, including income and earnings.

452.625. A premarital agreement must be in writing and signed by both parties.
2 **It is enforceable without consideration.**

452.630. (a) Parties to a premarital agreement may contract with respect to:

2 (1) the rights and obligations of each of the parties in any of the property of either
3 or both of them whenever and wherever acquired or located;

4 (2) the right to buy, sell, use, transfer, exchange, abandon, lease, consume, expend,
5 assign, create a security interest in, mortgage, encumber, dispose of, or otherwise manage
6 and control property;

7 (3) the disposition of property upon separation, marital dissolution, death, or the
8 occurrence or nonoccurrence of any other event;

- 9 (4) the modification or elimination of spousal support;
10 (5) the making of a will, trust, or other arrangement to carry out the provisions of
11 the agreement;
12 (6) the ownership rights in and disposition of the death benefit from a life insurance
13 policy;
14 (7) the choice of law governing the construction of the agreement; and
15 (8) any other matter, including their personal rights and obligations, not in
16 violation of public policy or a statute imposing a criminal penalty.
17 (b) The right of a child to support may not be adversely affected by a premarital
18 agreement.

452.635. A premarital agreement becomes effective upon marriage.

452.640. After a marriage, a premarital agreement may be amended or revoked
2 only by a written agreement signed by the parties. The amended agreement or the
3 revocation is enforceable without consideration.

452.645. (a) A premarital agreement is not enforceable if the party against whom
2 enforcement is sought proves that:

- 3 (1) that party did not execute the agreement voluntarily; or
4 (2) the agreement was unconscionable when it was executed or, before execution
5 of the agreement, that party:
6 (i) was not provided a fair and reasonable disclosure of the property or financial
7 obligations of the other party;
8 (ii) did not voluntarily and expressly waive, in writing, any right to disclosure of
9 the property or financial obligations of the other party.

10 (b) If a provision of the premarital agreement modifies or eliminates spousal
11 support and that modification or elimination causes one party to the agreement to be
12 eligible for support under a program of public assistance at the time of separation or
13 marital dissolution, a court, notwithstanding the terms of the agreement, may require the
14 other party to provide support to the extent necessary to avoid that eligibility.

15 (c) An issue of unconscionability of a premarital agreement shall be decided by the
16 court as a matter of law.

452.650. If a marriage is determined to be void, an agreement that would otherwise
2 have been a premarital agreement is enforceable only to the extent necessary to avoid an
3 inequitable result.

452.655. Any statute of limitations applicable to an action asserting a claim for
2 relief under a premarital agreement is tolled during the marriage of the parties to the

3 agreement. However, equitable defenses limiting the time for enforcement, including
4 laches and estoppel, are available to either party.

2 452.660. Sections 452.615 to 452.670 shall be applied and construed to effectuate
3 its general purpose to make uniform the law with respect to the subject of sections 452.615
4 to 452.670 among states enacting it.

2 452.665. If any provision of sections 452.615 to 452.670 or its application to any
3 person or circumstance is held invalid, the invalidity does not affect other provisions or
4 applications of sections 452.615 to 452.670 which can be given effect without the invalid
5 provision or application, and to this end, the provisions of sections 452.615 to 452.670 are
severable.

2 452.670. Sections 452.615 to 452.670 applies to any premarital agreement executed
3 on or after the effective date of sections 452.615 to 452.670.

ARTICLE I

GENERAL PROVISIONS

2 452.700. Sections 452.700 to 452.930 may be cited as the "Uniform Child Custody
3 Jurisdiction and Enforcement Act".

2 452.705. As used in sections 452.700 to 452.930:

2 (1) "Abandoned" means left without provision for reasonable and necessary care
3 or supervision;

4 (2) "Child" means an individual who has not attained eighteen years of age;

5 (3) "Child custody determination" means a judgment, decree, or other order of a
6 court providing for the legal custody, physical custody, or visitation with respect to a child.
7 The term includes a permanent, temporary, initial, or modification order. The term shall
8 not include an order relating to child support or other monetary obligation of an
9 individual;

10 (4) "Child custody proceeding" means a proceeding in which legal custody,
11 physical custody, or visitation with respect to a child is an issue. The term includes a
12 proceeding for divorce, separation, neglect, abuse, dependency, guardianship, paternity,
13 termination of parental rights, and protection from domestic violence in which the issue
14 may appear. The term shall not include a proceeding involving juvenile delinquency,
15 contractual emancipation, or enforcement under sections 452.850 to 452.915;

16 (5) "Commencement" means the filing of the first pleading in a proceeding;

17 (6) "Court" means an entity authorized under the law of a state to establish,
18 enforce, or modify a child custody determination;

19 (7) "Decree" or "custody decree" means a custody determination contained in a
20 judicial decree or order made in a custody proceeding, and includes an initial decree and
21 a modification decree;

22 (8) "Home state" means the state in which a child has lived with a parent or a
23 person acting as a parent for at least six consecutive months immediately prior to the
24 commencement of a child custody proceeding. In the case of a child less than six months
25 of age, the term means the state in which the child has lived from birth with any of the
26 persons mentioned. A period of temporary absence of any of the mentioned persons is part
27 of such period;

28 (9) "Initial determination" means the first child custody determination concerning
29 a particular child;

30 (10) "Issuing court" means the court making a child custody determination for
31 which enforcement is sought under sections 452.700 to 452.930;

32 (11) "Issuing state" means the state in which a child custody determination is
33 made;

34 (12) "Litigant" means a person, including a parent, grandparent, or stepparent,
35 who claims a right to custody or visitation with respect to a child;

36 (13) "Modification" means a child custody determination that changes, replaces,
37 supersedes or is otherwise made after a previous determination concerning the same child,
38 whether or not it is made by the court that made the previous determination;

39 (14) "Person" includes government, a governmental subdivision, agency or
40 instrumentality, or any other legal or commercial entity;

41 (15) "Person acting as a parent" means a person, other than a parent, who:

42 (a) Has physical custody of the child or has had physical custody for a period of six
43 consecutive months, including any temporary absence, within one year immediately prior
44 to the commencement of a child custody proceeding; and

45 (b) Has been awarded legal custody by a court or claims a right to legal custody
46 under the law of this state;

47 (16) "Physical custody" means the physical care and supervision of a child;

48 (17) "State" means a state of the United States, the District of Columbia, Puerto
49 Rico, the United States Virgin Islands, or any territory or insular possession subject to the
50 jurisdiction of the United States;

51 (18) "Warrant" means an order issued by a court authorizing law enforcement
52 officers to take physical custody of a child.

452.710. Sections 452.700 to 452.930 shall not govern:

- 2 (1) An adoption proceeding; or
3 (2) A proceeding pertaining to the authorization of emergency medical care for a
4 child.

452.715. 1. A child custody proceeding that pertains to an Indian child, as defined
2 in the Indian Child Welfare Act, 25 U.S.C. section 1901 et seq., is not subject to sections
3 452.700 to 452.930 to the extent that it is governed by the Indian Child Welfare Act.

2. A court of this state shall treat a tribe as a state of the United States for purposes
5 of sections 452.700 to 452.930.

3. A child custody determination made by a tribe under factual circumstances in
7 substantial conformity with the jurisdictional standards of sections 452.700 to 452.930 shall
8 be recognized and enforced under the provisions of sections 452.850 to 452.915.

452.720. 1. A court of this state shall treat a foreign country as a state of the United
2 States for purposes of applying sections 452.700 to 452.785.

2. A child custody determination made in a foreign country under factual
4 circumstances in substantial conformity with the jurisdictional standards of sections
5 452.700 to 452.930 shall be recognized and enforced under sections 452.850 to 452.915.

3. The court need not apply the provisions of sections 452.700 to 452.930 when the
7 child custody law of the other country violates fundamental principles of human rights.

452.725. 1. A party to a child custody proceeding who is not subject to personal
2 jurisdiction in this state and is a responding party under sections 452.740 to 452.785, a
3 party in a proceeding to modify a child custody determination under sections 452.740 to
4 452.785, or a petitioner in a proceeding to enforce or register a child custody determination
5 under sections 452.850 to 452.915 may appear and participate in such proceeding without
6 submitting to personal jurisdiction over the party for another proceeding or purpose.

2. A party is not subject to personal jurisdiction in this state solely by being
8 physically present for the purpose of participating in a proceeding under sections 452.700
9 to 452.930. If a party is subject to personal jurisdiction in this state on a basis other than
10 physical presence, the party may be served with process in this state. If a party present in
11 this state is subject to the jurisdiction of another state, service of process permissible under
12 the laws of the other state may be accomplished in this state.

3. The immunity granted by this section shall not extend to civil litigation based on
14 acts unrelated to the participation in a proceeding under sections 452.700 to 452.930
15 committed by an individual while present in this state.

452.730. 1. A court of this state may communicate with a court in another state
2 concerning a proceeding arising under sections 452.700 to 452.930.

3 **2. The court may allow the parties to participate in the communication. If the**
4 **parties are not able to participate in the communication, the parties shall be given the**
5 **opportunity to present facts and legal arguments before a decision on jurisdiction is made.**

6 **3. A communication between courts on schedules, calendars, court records, and**
7 **similar matters may occur without informing the parties. A record need not be made of**
8 **such communication.**

9 **4. Except as provided in subsection 3 of this section, a record shall be made of the**
10 **communication. The parties shall be informed promptly of the communication and**
11 **granted access to the record.**

12 **5. For the purposes of this section, "record" means information that is inscribed**
13 **on a tangible medium, or that which is stored in an electronic or other medium and is**
14 **retrievable in perceivable form. A record includes notes or transcripts of a court reporter**
15 **who listened to a conference call between the courts, an electronic recording of a telephone**
16 **call, a memorandum or an electronic record of the communication between the courts, or**
17 **a memorandum or an electronic record made by a court after the communication.**

452.735. 1. A court of this state may request the appropriate court of another state
2 **to:**

- 3 **(1) Hold an evidentiary hearing;**
4 **(2) Order a person to produce or give evidence under procedures of that state;**
5 **(3) Order that an evaluation be made with respect to the custody of a child involved**
6 **in a pending proceeding;**
7 **(4) Forward to the court of this state a certified copy of the transcript of the record**
8 **of the hearing, the evidence otherwise presented and any evaluation prepared in**
9 **compliance with the request; and**
10 **(5) Order a party to a child custody proceeding or any person having physical**
11 **custody of the child to appear in the proceeding with or without the child.**

12 **2. Upon request of a court of another state, a court of this state may hold a hearing**
13 **or enter an order described in subsection 1 of this section.**

14 **3. Travel and other necessary and reasonable expenses incurred under subsection**
15 **1 or 2 of this section may be assessed against the parties according to the law of this state.**

16 **4. A court of this state shall preserve the pleadings, orders, decrees, records of**
17 **hearings, evaluations, and other pertinent records with respect to a child custody**
18 **proceeding until the child attains eighteen years of age. Upon appropriate request by a**
19 **court or law enforcement official of another state, the court shall forward a certified copy**
20 **of such records.**

ARTICLE II
JURISDICTION

2 **452.740. 1. Except as otherwise provided in section 452.755, a court of this state has**
3 **jurisdiction to make an initial child custody determination only if:**

4 **(1) This state is the home state of the child on the date of the commencement of the**
5 **proceeding, or was the home state of the child within six months prior to the**
6 **commencement of the proceeding and the child is absent from this state but a parent or**
7 **person acting as a parent continues to live in this state;**

8 **(2) A court of another state does not have jurisdiction under subdivision (1) of this**
9 **subsection, or a court of the home state of the child has declined to exercise jurisdiction on**
10 **the ground that this state is the more appropriate forum under section 452.770 or 452.775,**
11 **and:**

12 **(a) The child and the child's parents, or the child and at least one parent or person**
13 **acting as a parent have a significant connection with this state other than mere physical**
14 **presence; and**

15 **(b) Substantial evidence is available in this state concerning the child's care,**
16 **protection, training and personal relationships;**

17 **(3) All courts having jurisdiction under subdivisions (1) and (2) of this subsection**
18 **have declined to exercise jurisdiction on the ground that a court of this state is the more**
19 **appropriate forum to determine the custody of the child under section 452.770 or 452.775;**
20 **or**

21 **(4) No state would have jurisdiction under subdivision (1), (2) or (3) of this**
22 **subsection.**

23 **2. Subsection 1 of this section is the exclusive jurisdictional basis for making a child**
24 **custody determination by a court of this state.**

25 **3. Physical presence of, or personal jurisdiction over, a party or a child is not**
26 **necessary or sufficient to make a child custody determination.**

27 **452.745. 1. Except as otherwise provided in section 452.755, a court of this state**
28 **that has made a child custody determination consistent with section 452.740 or 452.750 has**
29 **exclusive continuing jurisdiction over the determination until:**

30 **(1) A court of this state determines that neither the child, the child and one parent,**
31 **nor the child and a person acting as a parent have a significant connection with this state,**
32 **and that substantial evidence is no longer available in this state concerning the child's care,**
33 **protection, training and personal relationships; or**

8 (2) A court of this state or a court of another state determines that neither the child,
9 nor a parent, nor any person acting as a parent presently resides in this state.

10 2. A court of this state that has exclusive continuing jurisdiction under this section
11 may decline to exercise its jurisdiction if the court determines that it is an inconvenient
12 forum under section 452.770.

13 3. A court of this state that has made a child custody determination and does not
14 have exclusive continuing jurisdiction under this section may modify that determination
15 only if it has jurisdiction to make an initial determination under section 452.740.

 452.747. 1. Any petition for modification of child custody decrees filed under the
2 provisions of section 452.410 or sections 452.700 to 452.930 shall be verified and, if the
3 original proceeding originated in the state of Missouri, shall be filed in that original case,
4 but service shall be obtained and responsive pleadings may be filed as in any original
5 proceeding.

6 2. Before making a decree under section 452.410 or sections 452.700 to 452.930, the
7 litigants, any parent whose parental rights have not been previously terminated, and any
8 person who has physical custody of the child shall be served in the manner provided by the
9 rules of civil procedure and applicable court rules and may within thirty days after the
10 date of service (forty-five days if service by publication) file a verified answer. If any such
11 persons are outside this state, notice and opportunity to be heard shall be given under
12 section 452.740.

13 3. In any case in which the paternity of a child has been determined by a court of
14 competent jurisdiction and where the noncustodial parent is delinquent in the payment of
15 child support in an amount in excess of ten thousand dollars, the custodial parent shall
16 have the right to petition a court of competent jurisdiction for the termination of the
17 parental rights of the noncustodial parent.

18 4. When a person filing a petition for modification of a child custody decree owes
19 past due child support to a custodial parent in an amount in excess of ten thousand dollars,
20 such person shall post a bond in the amount of past due child support owed as ascertained
21 by the division of child support enforcement or reasonable legal fees of the custodial
22 parent, whichever is greater, before the filing of the petition. The court shall hold the bond
23 in escrow until the modification proceedings under this section have been concluded
24 wherein such bond shall be transmitted to the division of child support enforcement for
25 disbursement to the custodial parent.

 452.750. Except as otherwise provided in section 452.755, a court of this state shall
2 not modify a child custody determination made by a court of another state unless a court

3 of this state has jurisdiction to make an initial determination under subdivision (1) or (2)
4 of subsection 1 of section 452.740 and:

5 (1) The court of the other state determines it no longer has exclusive continuing
6 jurisdiction under section 452.745 or that a court of this state would be a more convenient
7 forum under section 452.770; or

8 (2) A court of this state or a court of the other state determines that neither the
9 child, nor a parent, nor any person acting as a parent presently resides in the other state.

452.755. 1. A court of this state has temporary emergency jurisdiction if the child
2 is present in this state and the child has been abandoned, or it is necessary in an emergency
3 to protect the child because the child, or a sibling or parent of the child, is subjected to or
4 threatened with mistreatment or abuse.

5 2. If there is no previous child custody determination that is entitled to be enforced
6 under sections 452.700 to 452.930, and if no child custody proceeding has been commenced
7 in a court of a state having jurisdiction under sections 452.740 to 452.750, a child custody
8 determination made under this section remains in effect until an order is obtained from
9 a court of a state having jurisdiction under sections 452.740 to 452.750. If a child custody
10 proceeding has not been or is not commenced in a court of a state having jurisdiction
11 under sections 452.740 to 452.750, a child custody determination made under this section
12 becomes a final determination if:

13 (1) It so provides; and

14 (2) This state becomes the home state of the child.

15 3. If there is a previous child custody determination that is entitled to be enforced
16 under sections 452.700 to 452.930, or a child custody proceeding has been commenced in
17 a court of a state having jurisdiction under sections 452.740 to 452.750, any order issued
18 by a court of this state under this section shall specify in the order a period of time which
19 the court considers adequate to allow the person seeking an order to obtain an order from
20 the state having jurisdiction under sections 452.740 to 452.750. The order issued in this
21 state remains in effect until an order is obtained from the other state within the period
22 specified or the period expires.

23 4. A court of this state that has been asked to make a child custody determination
24 under this section, upon being informed that a child custody proceeding has been
25 commenced, or a child custody determination has been made, by a court of a state having
26 jurisdiction under sections 452.740 to 452.750, shall immediately communicate with the
27 other court. A court of this state that is exercising jurisdiction under sections 452.740 to
28 452.750, upon being informed that a child custody proceeding has been commenced, or a

29 child custody determination has been made by a court of another state under a statute
30 similar to this section shall immediately communicate with the court of that state. The
31 purpose of such communication is to resolve the emergency, protect the safety of the
32 parties and the child, and determine a period for the duration of the temporary order.

452.760. 1. Before a child custody determination is made under sections 452.700
2 to 452.930, notice and an opportunity to be heard in accordance with the standards of
3 section 452.762 shall be given to:

4 (1) All persons entitled to notice under the provisions of the law of this state as in
5 child custody proceedings between residents of this state;

6 (2) Any parent whose parental rights have not been previously terminated; and

7 (3) Any person having physical custody of the child.

8 2. Sections 452.700 to 452.930 shall not govern the enforceability of a child custody
9 determination made without notice and an opportunity to be heard.

10 3. The obligation to join a party and the right to intervene as a party in a child
11 custody proceeding under sections 452.700 to 452.930 are governed by the law of this state
12 as in child custody proceedings between residents of this state.

452.762. 1. Notice required for the exercise of jurisdiction when a person is outside
2 this state may be given in a manner prescribed by the law of this state for the service of
3 process or by the law of the state in which the service is made. Notice must be given in a
4 manner reasonably calculated to give actual notice, but may be by publication if other
5 means are not effective.

6 2. Proof of service may be made in the manner prescribed by law of this state or
7 by the law of the state in which the service is made.

8 3. Notice is not required for the exercise of jurisdiction with respect to a person
9 who submits to the jurisdiction of the court.

452.765. 1. Except as otherwise provided in section 452.755, a court of this state
2 shall not exercise its jurisdiction under sections 452.740 to 452.785 if, at the time of the
3 commencement of the proceeding, a proceeding concerning the custody of the child had
4 been previously commenced in a court of another state having jurisdiction substantially
5 in conformity with sections 452.700 to 452.930, unless the proceeding has been terminated
6 or is stayed by the court of the other state because a court of this state is a more convenient
7 forum under section 452.770.

8 2. Except as otherwise provided in section 452.755, a court of this state, prior to
9 hearing a child custody proceeding, shall examine the court documents and other
10 information supplied by the parties under section 452.780. If the court determines that a

11 child custody proceeding was previously commenced in a court in another state having
12 jurisdiction substantially in accordance with sections 452.700 to 452.930, the court of this
13 state shall stay its proceeding and communicate with the court of the other state. If the
14 court of the state having jurisdiction substantially in accordance with sections 452.700 to
15 452.930 does not determine that the court of this state is a more appropriate forum, the
16 court of this state shall dismiss the proceeding.

17 3. In a proceeding to modify a child custody determination, a court of this state
18 shall determine if a proceeding to enforce the determination has been commenced in
19 another state. If a proceeding to enforce a child custody determination has been
20 commenced in another state, the court may:

21 (1) Stay the proceeding for modification pending the entry of an order of a court
22 of the other state enforcing, staying, denying or dismissing the proceeding for enforcement;

23 (2) Enjoin the parties from continuing with the proceeding for enforcement; or

24 (3) Proceed with the modification under conditions it considers appropriate.

452.770. 1. A court of this state that has jurisdiction under sections 452.700 to
2 452.930 to make a child custody determination may decline to exercise its jurisdiction at
3 any time if the court determines that it is an inconvenient forum under the circumstances
4 and that a court of another state is a more appropriate forum. The issue of inconvenient
5 forum may be raised upon the court's own motion, at the request of another court or upon
6 motion of a party.

7 2. Before determining whether the court is an inconvenient forum, a court of this
8 state shall consider whether it is appropriate that a court of another state exercise
9 jurisdiction. For this purpose, the court shall allow the parties to submit information and
10 shall consider all relevant factors, including:

11 (1) Whether domestic violence has occurred and is likely to continue in the future
12 and which state could best protect the parties and the child;

13 (2) The length of time the child has resided outside this state;

14 (3) The distance between the court in this state and the court in the state that would
15 assume jurisdiction;

16 (4) The relative financial circumstances of the parties;

17 (5) Any agreement of the parties as to which state should assume jurisdiction;

18 (6) The nature and location of the evidence required to resolve the pending
19 litigation, including the testimony of the child;

20 (7) The ability of the court of each state to decide the issue expeditiously and the
21 procedures necessary to present the evidence; and

22 **(8) The familiarity of the court of each state with the facts and issues of the pending**
23 **litigation.**

24 **3. If a court of this state determines that it is an inconvenient forum and that a**
25 **court of another state is a more appropriate forum, the court shall stay the proceedings on**
26 **the condition that a child custody proceeding be promptly commenced in another**
27 **designated state and may impose any other condition the court considers just and proper.**

28 **4. A court of this state may decline to exercise its jurisdiction under sections**
29 **452.700 to 452.930 if a child custody determination is incidental to an action for divorce**
30 **or another proceeding while still retaining jurisdiction over the divorce or other**
31 **proceeding.**

452.775. 1. Except as otherwise provided in section 452.755, if a court of this state
2 **has jurisdiction under sections 452.700 to 452.930 because a person invoking the**
3 **jurisdiction has engaged in unjustifiable conduct, the court shall decline to exercise its**
4 **jurisdiction unless:**

5 **(1) The parents and all persons acting as parents have acquiesced in the exercise**
6 **of jurisdiction;**

7 **(2) A court of the state otherwise having jurisdiction under sections 452.740 to**
8 **452.750 determines that this state is a more appropriate forum under section 452.770; or**

9 **(3) No other state would have jurisdiction under sections 452.740 to 452.750.**

10 **2. If a court of this state declines to exercise its jurisdiction under subsection 1 of**
11 **this section, the court may fashion an appropriate remedy to ensure the safety of the child**
12 **and prevent a repetition of the wrongful conduct, including staying the proceeding until**
13 **a child custody proceeding is commenced in a court having jurisdiction under sections**
14 **452.740 to 452.750.**

15 **3. If a court dismisses a petition or stays a proceeding because it declines to exercise**
16 **its jurisdiction under subsection 1 of this section, the court shall charge the party invoking**
17 **the jurisdiction of the court with necessary and reasonable expenses including costs,**
18 **communication expenses, attorney's fees, investigative fees, expenses for witnesses, travel**
19 **expenses and child care during the course of the proceedings, unless the party from whom**
20 **fees are sought establishes that the award would be clearly inappropriate. The court may**
21 **not assess fees, costs or expenses against this state except as otherwise provided by law**
22 **other than sections 452.700 to 452.930.**

452.780. 1. Subject to local law providing for the confidentiality of procedures,
2 **addresses, and other identifying information, in a child custody proceeding, each party, in**
3 **its first pleading or in an attached affidavit, shall give information, if reasonably**

ascertainable, under oath as to the child's present address, the places where the child has lived during the last five years, and the names and present addresses of the persons with whom the child has lived during such period. The pleading or affidavit shall state whether the party:

(1) Has participated, as a party or witness or in any other capacity, in any other proceeding concerning the custody of or visitation with the child and, if so, identify the court, case number of the proceeding and date of the child custody determination, if any;

(2) Knows of any proceeding that could affect the current proceeding, including proceedings for enforcement and proceedings relating to domestic violence, protective orders, termination of parental rights, and adoptions and, if so, identify the court and case number and nature of the proceeding; and

(3) Knows the names and addresses of any person not a party to the proceeding who has physical custody of the child or claims rights of legal custody or physical custody of, or visitation with, the child and, if so, the names and addresses of such persons.

2. If the information required by subsection 1 of this section is not furnished, the court, upon its own motion or that of a party, may stay the proceeding until the information is furnished.

3. If the declaration as to any of the items described in subdivisions (1) to (3) of subsection 1 of this section is in the affirmative, the declarant shall give additional information under oath as required by the court. The court may examine the parties under oath as to details of the information furnished and other matters pertinent to the court's jurisdiction and the disposition of the case.

4. Each party has a continuing duty to inform the court of any proceeding in this or any other state that could affect the current proceeding.

5. If a party alleges in an affidavit or a pleading under oath that the health, safety, or liberty of a party or child would be put at risk by the disclosure of identifying information, that information shall be sealed and not disclosed to the other party or the public unless the court orders the disclosure to be made after a hearing in which the court takes into consideration the health, safety, or liberty of the party or child and determines that the disclosure is in the interest of justice.

452.782. If the court learns from information furnished by the parties under section **452.800** or from other sources that a person not a party to the custody proceeding has physical custody of the child or claims to have custody or visitation rights with respect to the child, it may order that person to be joined as a party and to be duly notified of the pendency of the proceeding and of his or her joinder as a party. If the person joined as a

6 party is outside this state, such person shall be served with process or otherwise notified
7 in accordance with section 452.762.

452.785. 1. The court may order any party to the proceeding who is in this state
2 to appear before the court personally. If the court finds the physical presence of the child
3 to be in the best interest of the child, the court may order that the party who has physical
4 custody of the child to appear physically with the child.

5 2. If a party to a child custody proceeding whose presence is desired by the court
6 is outside this state, with or without the child, the court may order that a notice given
7 under section 452.762 include a statement directing the party to appear personally with or
8 without the child.

9 3. If a party to the proceeding who is outside this state is directed to appear under
10 subsection 1 of this section or desires to appear personally before the court with or without
11 the child, the court may require another party to pay to the clerk of the court travel and
12 other necessary expenses of the party so appearing and of the child, if this is just and
13 proper under the circumstances.

14 4. If the court finds it to be in the best interest of the child that a guardian ad litem
15 be appointed, the court may appoint a guardian ad litem for the child. The guardian ad
16 litem so appointed shall be an attorney licensed to practice law in the state of Missouri.
17 Disqualification of a guardian ad litem shall be ordered in any legal proceeding under this
18 chapter upon the filing of a written application by any party within ten days of
19 appointment. Each party shall be entitled to one disqualification of a guardian ad litem
20 appointed under this subsection in each proceeding, except a party may be entitled to
21 additional disqualifications of a guardian ad litem for good cause shown. The guardian ad
22 litem may, for the purpose of determining custody of the child only, participate in the
23 proceeding as if such guardian ad litem were a party. The court shall enter judgment
24 allowing a reasonable fee to the guardian ad litem.

25 5. The court shall appoint a guardian ad litem in any proceeding in which child
26 abuse or neglect is alleged.

27 6. The court may enter any orders necessary to ensure the safety of the child and
28 of any person ordered to appear under this section.

452.790. A child custody determination made by a court of this state that had
2 jurisdiction under sections 452.700 to 452.930 binds all persons who have been served in
3 accordance with the laws of this state or notified in accordance with section 452.762 or who
4 have submitted to the jurisdiction of the court, and who have been given an opportunity

5 to be heard. The determination is conclusive as to them as to all decided issues of law and
6 fact except to the extent the determination is modified.

452.795. A court of this state shall accord full faith and credit to an order made
2 consistently with sections 452.700 to 452.930 which enforces a child custody determination
3 by a court of another state unless the order has been vacated, stayed, or modified by a
4 court authorized to do so under sections 452.740 to 452.845.

452.800. Except as otherwise provided in section 452.755, a court of this state may
2 not modify a child custody determination made by a court of another state unless a court
3 of this state has jurisdiction to make an initial determination under subdivision (1) or (2)
4 of subsection 1 of section 452.740 and:

5 (1) The court of the other state determines that it no longer has exclusive,
6 continuing jurisdiction under section 452.745 or that a court of this state would be a more
7 convenient forum under section 452.770; or

8 (2) A court of this state or a court of the other state determines that neither child,
9 nor a parent, nor any person acting as a parent presently resides in the other state.

452.805. 1. A certified copy of a custody decree of another state may be filed in the
2 office of the clerk of any circuit court of this state. The clerk shall treat the decree in the
3 same manner as a custody decree of the circuit court of this state. A custody decree so filed
4 has the same effect and shall be enforced in like manner as a custody decree rendered by
5 a court of this state.

6 2. A person violating a custody decree of another state which makes it necessary
7 to enforce the decree in this state may be required to pay necessary travel and other
8 expenses, including attorneys' fees, incurred by the party entitled to the custody or the
9 party's witnesses.

10 3. A court of this state shall recognize and enforce a child custody determination
11 of a court of another state if the latter court exercised jurisdiction that was in substantial
12 conformity with sections 452.700 to 452.930 or the determination was made under factual
13 circumstances meeting the jurisdictional standards of sections 452.700 to 452.930 and the
14 determination has not been modified in accordance with sections 452.700 to 452.930.

15 4. A court may utilize any remedy available under other law of this state to enforce
16 a child custody determination made by a court of another state. The procedure provided
17 by sections 452.740 to 452.845 does not affect the availability of other remedies to enforce
18 a child custody determination.

452.810. 1. A child custody determination issued by a court of another state may be registered in this state, with or without a simultaneous request for enforcement, by sending to the appropriate court in this state:

(1) A letter or other document requesting registration;

(2) Two copies, including one certified copy, of the determination sought to be registered, and a statement under penalty of perjury that to the best of the knowledge and belief of the person seeking registration the order has not been modified; and

(3) Except as otherwise provided in section 452.780, the name and address of the person seeking registration and any parent or person acting as a parent who has been awarded custody or visitation in the child custody determination sought to be registered.

2. On receipt of the documents required in subsection 1 of this section, the registering court shall:

(1) Cause the determination to be filed as a foreign judgment, together with one copy of any accompanying documents and information, regardless of their form; and

(2) Serve notice upon the persons named under subdivision (3) of subsection 1 of this section and provide them with an opportunity to contest the registration in accordance with this section.

3. The notice required by subdivision (2) of subsection 2 of this section must state:

(1) That a registered determination is enforceable as of the date of the registration in the same manner as a determination issued by a court of this state;

(2) That a hearing to contest the validity of the registered determination must be requested within twenty days after service of notice; and

(3) That failure to contest the registration will result in confirmation of the child custody determination and preclude further contest of that determination with respect to any matter that could have been asserted.

4. A person seeking to contest the validity of a registered order must request a hearing within twenty days after service of the notice. At that hearing, the court shall confirm the registered order unless the person contesting registration establishes that:

(1) The issuing court did not have jurisdiction under sections 452.740 to 452.845;

(2) The child custody determination sought to be registered has been vacated, stayed, or modified by a court of a state having jurisdiction to do so under sections 452.740 to 452.845; or

(3) The person contesting registration was entitled to notice, but notice was not given in accordance with the standards of section 452.740 in the proceedings before the court that issued the order for which registration is sought.

36 **5. If a timely request for a hearing to contest the validity of the registration is not**
37 **made, the registration is confirmed as a matter of law and the person requesting**
38 **registration and all persons served must be notified of the confirmation.**

39 **6. Confirmation of a registered order, whether by operation of law or after notice**
40 **and hearing, precludes further contest of the order with respect to any matter which could**
41 **have been asserted at the time of registration.**

452.815. The clerk of the circuit court of this state, at the request of the court of
2 **another state or at the request of any person who is affected by or has a legitimate interest**
3 **in a custody decree, may, upon payment therefor, certify and forward a copy of the decree**
4 **to that court or person.**

452.820. 1. In addition to other procedures available to a party, a party to a child
2 **custody proceeding may offer testimony of witnesses who are located in another state,**
3 **including testimony of the parties and the child, by deposition or other means allowable**
4 **in this state for testimony taken in another state. The court on its own motion may order**
5 **that the testimony of a person be taken in another state and may prescribe the manner in**
6 **which and the terms upon which the testimony is taken.**

7 **2. A court of this state may permit an individual residing in another state to be**
8 **deposed or to testify by telephone, audiovisual means, or other electronic means before a**
9 **designated court or at another location in that state. A court of this state shall cooperate**
10 **with courts of other states in designating an appropriate location for the deposition or**
11 **testimony.**

12 **3. Documentary evidence transmitted from another state to a court of this state by**
13 **technological means that do not produce an original writing may not be excluded from**
14 **evidence on an objection based on the means of transmission.**

452.825. 1. A court of this state may request the appropriate court of another state
2 **to hold a hearing to obtain evidence, to order persons within that state to produce or give**
3 **evidence under other procedures of that state, or to have social studies made with respect**
4 **to the custody of a child involved in proceedings pending in the court of this state; and to**
5 **forward to the court of this state certified copies of the transcript of the record of the**
6 **hearing, the evidence otherwise obtained, or any social studies prepared in compliance**
7 **with the request. The cost of the services may be assessed against the parties.**

8 **2. A court of this state may request the appropriate court of another state to order**
9 **a party to custody proceedings pending in the court of this state to appear in the**
10 **proceedings and, if that party has physical custody of the child, to appear with the child.**

11 The request may state that travel and other necessary expenses of the party and of the
12 child whose appearance is desired will be assessed against the appropriate party.

452.830. 1. Upon request of the court of another state, the courts of this state which
2 are competent to hear custody matters may order a person in this state to appear at a
3 hearing to obtain evidence or to produce or give evidence under other procedures available
4 in this state for use in a custody proceeding in another state. A certified copy of the
5 transcript of the record of the hearing or the evidence otherwise obtained may, in the
6 discretion of the court and upon payment therefor, be forwarded to the requesting court.

7 2. A person within this state may voluntarily give his testimony or statement in this
8 state for use in a custody proceeding outside this state.

9 3. Upon request of the court of another state, a competent court of this state may
10 order a person in this state to appear alone or with the child in a custody proceeding in
11 another state. The court may condition compliance with the request upon assurance by
12 the other state that travel and other necessary expenses will be advanced or reimbursed.

452.835. A court of this state shall preserve the pleadings, orders, decrees, records
2 of hearings, evaluations, and other pertinent records with respect to a child custody
3 proceeding until the child reaches eighteen years of age. Upon appropriate request by the
4 court or law enforcement official of another state, the court shall forward certified copies
5 of these records.

452.840. If a custody decree has been rendered in another state concerning a child
2 involved in a custody proceeding pending in a court of this state, the court of this state,
3 upon taking jurisdiction of the case, shall request of the court of the other state a certified
4 copy of the transcript of any court record and other documents mentioned in section
5 452.835.

452.845. If a question of existence or exercise of jurisdiction under sections 452.700
2 to 452.930 is raised in a child custody proceeding, the question, upon request of a party,
3 must be given priority on the calendar and handled expeditiously.

ARTICLE III ENFORCEMENT

452.850. As used in sections 452.850 to 452.915:

2 (1) "Petitioner" means a person who seeks enforcement of a child custody
3 determination or enforcement of an order for the return of the child under the Hague
4 Convention on the Civil Aspects of International Child Abduction;

5 (2) "Respondent" means a person against whom a proceeding has been commenced
6 for enforcement of a child custody determination or enforcement of an order for the return

7 of the child under the Hague Convention on the Civil Aspects of International Child
8 Abduction.

452.855. 1. Sections 452.850 to 452.915 may be invoked to enforce:

2 (1) A child custody determination; and

3 (2) An order for the return of the child made under the Hague Convention on the
4 Civil Aspects of International Child Abduction.

5 2. A court of this state which does not have jurisdiction to modify a child custody
6 determination may issue a temporary order enforcing:

7 (1) A visitation schedule made by a court of another state; or

8 (2) The visitation provisions of a child custody determination of another state that
9 does not provide for a specific visitation schedule.

10 3. If a court of this state makes an order under subdivision (2) of subsection 2 of
11 this section, the court shall specify in the order a period of time which it considers adequate
12 to allow the person seeking the order to obtain an order from the state having jurisdiction
13 under sections 452.740 to 452.845. The order remains in effect until an order is obtained
14 from the other state or the period expires.

452.860. 1. A court of this state may grant any relief normally available under the
2 provisions of the laws of this state to enforce a registered child custody determination made
3 by a court of another state.

4 2. A court of this state shall recognize and enforce, but shall not modify, except in
5 accordance with sections 452.740 to 452.845, a registered child custody determination of
6 another state.

452.865. If a proceeding for enforcement under sections 452.850 to 452.915 has
2 been or is commenced in this state and a court of this state determines that a proceeding
3 to modify the determination has been commenced in another state having jurisdiction to
4 modify the determination under sections 452.740 to 452.845, the enforcing court shall
5 immediately communicate with the modifying court. The proceeding for enforcement
6 continues unless the enforcing court, after consultation with the modifying court, stays or
7 dismisses the proceeding.

452.870. 1. A petition under sections 452.850 to 452.915 shall be verified. Certified
2 copies of all orders sought to be enforced and of the order confirming registration, if any,
3 shall be attached to the petition. A copy of a certified copy of an order may be attached
4 instead of the original.

5 2. A petition for enforcement of a child custody determination shall state:

6 (1) Whether the court that issued the determination identified the jurisdictional
7 basis it relied upon in exercising jurisdiction and, if so, what the basis was;

8 (2) Whether the determination for which enforcement is sought has been vacated,
9 stayed or modified by a court whose decision shall be enforced under sections 452.700 to
10 452.930 or federal law and, if so, identify the court, case number of the proceeding and
11 action taken;

12 (3) Whether any proceeding has been commenced that could affect the current
13 proceeding, including proceedings relating to domestic violence, protective orders,
14 termination of parental rights and adoptions, and, if so, identify the court, and the case
15 number and nature of the proceeding;

16 (4) The present physical address of the child and respondent, if known; and

17 (5) Whether relief in addition to the immediate physical custody of the child and
18 attorney's fees is sought, including a request for assistance from law enforcement officials
19 and, if so, the relief sought.

20 3. If the child custody determination has been registered and confirmed under
21 section 452.810, the petition shall also state the date and place of registration.

22 4. The court shall issue an order directing the respondent to appear with or without
23 the child at a hearing and may enter any orders necessary to ensure the safety of the
24 parties and the child.

25 5. The hearing shall be held on the next judicial day following service of process
26 unless such date is impossible. In such event, the court shall hold the hearing on the first
27 day possible. The court may extend the date of hearing at the request of the petitioner.

28 6. The order shall state the time and place of the hearing, and shall advise the
29 respondent that at the hearing the court will order the delivery of the child and payment
30 of fees, costs and expenses under section 452.890, and may set an additional hearing to
31 determine if further relief is appropriate, unless the respondent appears and establishes
32 that:

33 (1) The child custody determination is not registered and confirmed under section
34 452.810, and:

35 (a) The issuing court did not have jurisdiction under sections 452.740 to 452.845;

36 (b) The child custody determination for which enforcement is sought has been
37 vacated, stayed or modified by a court of a state having jurisdiction to do so under sections
38 452.740 to 452.845 or federal law; or

39 (c) The respondent was entitled to notice, but notice was not given in accordance
40 with the standards of section 452.762 in the proceedings before the court that issued the
41 order for which enforcement is sought; or

42 (2) The child custody determination for which enforcement is sought was registered
43 and confirmed under section 452.810, but has been vacated, stayed or modified by a court
44 of a state having jurisdiction to do so under sections 452.740 to 452.845 or federal law.

452.875. Except as otherwise provided in section 452.885, the petition and order
2 shall be served by any method authorized by the laws of this state upon the respondent and
3 any person who has physical custody of the child.

452.880. 1. Unless the court enters a temporary emergency order under section
2 452.755, upon a finding that a petitioner is entitled to the physical custody of the child
3 immediately, the court shall order the child delivered to the petitioner unless the
4 respondent establishes that:

5 (1) The child custody determination has not been registered and confirmed under
6 section 452.810, and that:

7 (a) The issuing court did not have jurisdiction under sections 452.740 to 452.845;

8 (b) The child custody determination for which enforcement is sought has been
9 vacated, stayed or modified by a court of a state having jurisdiction to do so under sections
10 452.740 to 452.845 or federal law; or

11 (c) The respondent was entitled to notice, but notice was not given in accordance
12 with the standards of section 452.762 in the proceedings before the court that issued the
13 order for which enforcement is sought; or

14 (2) The child custody determination for which enforcement is sought was registered
15 and confirmed under section 452.810, but has been vacated, stayed or modified by a court
16 of a state having jurisdiction to do so under sections 452.740 to 452.845 or federal law.

17 2. The court shall award the fees, costs and expenses authorized under section
18 452.890 and may grant additional relief, including a request for the assistance of law
19 enforcement officials, and set a further hearing to determine if additional relief is
20 appropriate.

21 3. If a party called to testify refuses to answer on the grounds that the testimony
22 may be self-incriminating, the court may draw an adverse inference from such refusal.

23 4. A privilege against disclosure of communications between spouses and a defense
24 of immunity based on the relationship of husband and wife, or parent and child shall not
25 be invoked in a proceeding under sections 452.850 to 452.915.

452.885. 1. Upon the filing of a petition seeking enforcement of a child custody determination, the petitioner may file a verified application for the issuance of a warrant to take physical custody of the child if the child is likely to suffer serious imminent physical harm or removal from this state.

2. If the court, upon the testimony of the petitioner or other witnesses, finds that the child is likely to suffer serious imminent physical harm or be imminently removed from this state, the court may issue a warrant to take physical custody of the child. The petition shall be heard on the next judicial day after the warrant is executed. The warrant shall include the statements required under subsection 2 of section 452.870.

3. A warrant to take physical custody of a child shall:

(1) Recite the facts which a conclusion of serious imminent physical harm or removal from the jurisdiction is based;

(2) Direct law enforcement officers to take physical custody of the child immediately; and

(3) Provide for the placement of the child pending final relief.

4. The respondent shall be served with the petition, warrant and order immediately after the child is taken into physical custody.

5. A warrant to take physical custody of a child is enforceable throughout this state. If the court finds on the basis of the testimony of the petitioner or other witness that a less intrusive remedy is not effective, the court may authorize law enforcement officers to enter private property to take physical custody of the child. If required by the exigency of the case, the court may authorize law enforcement officers to make a forcible entry at any hour.

6. The court may impose conditions on the placement of a child to ensure the appearance of the child and the child's custodian.

452.890. 1. The court shall award the prevailing party, including a state, necessary and reasonable expenses incurred by or on behalf of the party, including costs, communication expenses, attorney's fees, investigative fees, expenses for witnesses, travel expenses and child care during the course of the proceedings, unless the party from whom fees or expenses are sought establishes that the award would be clearly inappropriate.

2. The court shall not assess fees, costs or expenses against a state except as otherwise provided by law other than sections 452.700 to 452.930.

452.895. A court of this state shall accord full faith and credit to an order made consistently with sections 452.700 to 452.930 which enforces a child custody determination

3 by a court of another state unless the order has been vacated, stayed or modified by a court
4 authorized to do so under sections 452.740 to 452.845.

452.900. An appeal may be taken from a final order in a proceeding under sections
2 452.850 to 452.915 in accordance with appellate procedures in other civil cases. Unless the
3 court enters a temporary emergency order under section 452.755, the enforcing court shall
4 not stay an order enforcing a child custody determination pending appeal.

452.905. 1. In a case arising under sections 452.700 to 452.930 or involving the
2 Hague Convention on the Civil Aspects of International Child Abduction, the appropriate
3 public official may take any lawful action, including resort to a proceeding under sections
4 452.850 to 452.915 or any other available civil proceeding to locate a child, obtain the
5 return of a child or enforce a child custody determination if there is:

- 6 (1) An existing child custody determination;
- 7 (2) A request from a court in a pending child custody case;
- 8 (3) A reasonable belief that a criminal statute has been violated; or
- 9 (4) A reasonable belief that the child has been wrongfully removed or retained in
10 violation of the Hague Convention on the Civil Aspects of International Child Abduction.

11 2. A prosecutor or an appropriate public official shall act on behalf of the court and
12 shall not represent any party to a child custody determination.

452.910. At the request of a prosecutor or other appropriate public official acting
2 under section 452.905, a law enforcement officer may take any lawful action reasonably
3 necessary to locate a child or a party and assist such prosecutor or public official with
4 responsibilities under section 452.905.

452.915. If the respondent is not the prevailing party, the court may assess against
2 the respondent all direct expenses and costs incurred by the prosecutor or other
3 appropriate public official and law enforcement officers under sections 452.905 and
4 452.910.

ARTICLE IV MISCELLANEOUS PROVISIONS

452.920. In applying and construing sections 452.700 to 452.930, consideration must
2 be given to the need to promote uniformity of the law with respect to its subject matter
3 among states that enact it.

452.925. If any provision of sections 452.700 to 452.930 or its application to any
2 person or circumstance is held invalid, the invalidity shall not affect other provisions or
3 applications of sections 452.700 to 452.930 which can be given effect without the invalid

4 **provision or application, and to this end the provisions of sections 452.700 to 452.930 are**
5 **severable.**

2 **452.930. A motion or other request for relief made in a child custody or**
3 **enforcement proceeding which was commenced before August 28, 2008, is governed by the**
4 **law in effect at the time the motion or other request was made.**

2 454.516. 1. The director or IV-D agency may cause a lien pursuant to subsections 2 and
3 of this section or the obligee may cause a lien pursuant to subsection 8 of this section for
3 unpaid and delinquent child support to block the issuance of a certificate of ownership for motor
4 vehicles, motor boats, outboard motors, manufactured homes and trailers that are registered in
5 the name of a delinquent child support obligor.

6 2. The director or IV-D agency shall notify the department of revenue with the required
7 information necessary to impose a lien pursuant to this section by filing a notice of lien.

8 3. The director or IV-D agency shall not notify the department of revenue and the
9 department of revenue shall not register lien except as provided in this subsection. After the
10 director or IV-D agency decide that such lien qualifies pursuant to this section and forward it to
11 the department of revenue, the director of revenue or the director's designee shall only file such
12 lien against the obligor's certificate of ownership when:

13 (1) The obligor has unpaid child support which exceeds [one thousand dollars] **ninety**
14 **days of support payments;**

15 (2) The property has a value of more than three thousand dollars as determined by
16 current industry publications that provide such estimates to dealers in the business, and the
17 property's year of manufacture is within seven years of the date of filing of the lien except in the
18 case of a motor vehicle that has been designated a historic vehicle;

19 (3) The property has no more than two existing liens for child support;

20 (4) The property has had no more than three prior liens for child support in the same
21 calendar year.

22 4. In the event that a lien is placed and the obligor's total support obligation is
23 eliminated, the director shall notify the department of revenue that the lien shall be removed.

24 5. Upon notification that a lien exists pursuant to this section, the department of revenue
25 shall register the lien on the records of the department of revenue. Such registration shall
26 contain the type and model of the property and the serial number of the property.

27 6. Upon notification by the director that the lien shall be removed pursuant to subsection
28 4 of this section, the department of revenue shall register such removal of lien on its database,
29 that shall contain the type and model of the property and the serial number of the property.

30 7. A good faith purchaser for value without notice of the lien or a lender without notice
31 of the lien takes free of the lien.

32 8. In cases which are not IV-D cases, to cause a lien pursuant to the provisions of this
33 section the obligee or the obligee's attorney shall file notice of the lien with the department of
34 revenue. This notice shall have attached a certified copy of the court order with all
35 modifications and a sworn statement by the obligee or a certified statement from the court
36 attesting to or certifying the amount of arrearages.

37 9. Notwithstanding any other law to the contrary, the department of revenue shall
38 maintain a child support lien database that may be collected against the owner on a certificate
39 of ownership provided for by chapters 301, 306 and 700, RSMo. To determine any existing
40 liens for child support pursuant to this section, the lienholder, dealer or buyer may inquire
41 electronically into the database. A good faith purchaser for value without notice of the lien or
42 a lender without notice of the lien takes free of the lien.

2 [454.516. 1. The director or IV-D agency may cause a lien pursuant to
3 subsections 2 and 3 of this section or the obligee may cause a lien pursuant to
4 subsection 7 of this section for unpaid and delinquent child support to block the
5 issuance of a certificate of ownership for motor vehicles, motor boats, outboard
6 motors, manufactured homes and trailers that are registered in the name of a
7 delinquent child support obligor.

8 2. The director or IV-D agency shall notify the department of revenue
9 with the required information necessary to impose a lien pursuant to this section
10 by filing a notice of lien.

11 3. The director or IV-D agency shall not notify the department of
12 revenue and the department of revenue shall not register such lien except as
13 provided in this subsection. After the director or IV-D agency decides that such
14 lien qualifies pursuant to this section and forward it to the department of revenue,
15 the director of revenue or the director's designee shall only file such lien against
16 the obligor's certificate of ownership when:

17 (1) The obligor has unpaid child support which exceeds one thousand
18 dollars;

19 (2) The property has a value of more than three thousand dollars as
20 determined by current industry publications that provide such estimates to
21 dealers in the business, and the property's year of manufacture is within seven
22 years of the date of filing of the lien except in the case of a motor vehicle that has
23 been designated a historic vehicle;

24 (3) The property has no more than two existing liens for child support;

25 (4) The property has had no more than three prior liens for child support
in the same calendar year.

26 4. In the event that a lien is placed and the obligor's total support
27 obligation is eliminated, the director shall notify the department of revenue that
28 the lien shall be removed.

29 5. Upon notification that a lien exists pursuant to this section, the
30 department of revenue shall register the lien on the records of the department of
31 revenue. Such registration shall contain the type and model of the property and
32 the serial number of the property.

33 6. Upon notification by the director that the lien shall be removed
34 pursuant to subsection 4 of this section, the department of revenue shall register
35 such removal of lien on its datebank, that shall contain the type and model of the
36 property and the serial number of the property. The division or IV-D agency
37 may hold any satisfaction of the registered lien until the child support obligation
38 is satisfied, or levy and execute on the motor vehicle, motor boat, outboard
39 motor, manufactured home or trailer and sell same, at public sale, in order to
40 satisfy the debt.

41 7. In cases which are not IV-D cases, to cause a lien pursuant to the
42 provisions of this section the obligee or the obligee's attorney shall file notice of
43 the lien with the department of revenue. This notice shall have attached a
44 certified copy of the court order with all modifications and a sworn statement by
45 the obligee or a certified statement from the court attesting to or certifying the
46 amount of arrearages.

47 8. Notwithstanding any other law to the contrary, the department of
48 revenue shall maintain a child support lien database for outstanding child support
49 liens against the owner's certificate of ownership provided for by chapters 301,
50 306, and 700, RSMo. To determine any existing liens for child support pursuant
51 to this section, the lienholder, dealer, or buyer may inquire electronically into the
52 database. A good faith purchaser for value without notice of the lien in the
53 database or a lender without notice of the lien in the database takes free of the
54 lien.]

454.850. In sections 454.850 to [454.997] **454.999:**

2 (1) "Child" means an individual, whether over or under the age of majority, who is or
3 is alleged to be owed a duty of support by the individual's parent or who is or is alleged to be the
4 beneficiary of a support order directed to the parent.

5 (2) "Child support order" means a support order for a child, including a child who has
6 attained the age of majority under the law of the issuing state.

7 (3) "Duty of support" means an obligation imposed or imposable by law to provide
8 support for a child, spouse, or former spouse, including an unsatisfied obligation to provide
9 support.

10 (4) "Home state" means the state in which a child lived with a parent or a person acting
11 as parent for at least six consecutive months immediately preceding the time of filing of a

12 petition or comparable pleading for support and, if a child is less than six months old, the state
13 in which the child lived from birth with any of them. A period of temporary absence of any of
14 them is counted as part of the six-month or other period.

15 (5) "Income" includes earnings or other periodic entitlements to money from any source
16 and any other property subject to withholding for support under the law of this state.

17 (6) "Income-withholding order" means an order or other legal process directed to an
18 obligor's employer or other debtor, as defined by section 452.350, RSMo, or 454.505, to
19 withhold support from the income of the obligor.

20 (7) "Initiating state" means a state from which a proceeding is forwarded or in which a
21 proceeding is filed for forwarding to a responding state under the provisions of sections 454.850
22 to [454.997 or a law or procedure substantially similar to sections 454.850 to 454.997, or under
23 a law or procedure substantially similar to the uniform reciprocal enforcement of support act,
24 or the revised uniform reciprocal enforcement of support act] **454.999**.

25 (8) "Initiating tribunal" means the authorized tribunal in an initiating state.

26 (9) "Issuing state" means the state in which a tribunal issues a support order or renders
27 a judgment determining parentage.

28 (10) "Issuing tribunal" means the tribunal that issues a support order or renders a
29 judgment determining parentage.

30 (11) "Law" includes decisional and statutory law and rules and regulations having the
31 force of law.

32 (12) "Obligee" means:

33 (i) an individual to whom a duty of support is or is alleged to be owed or in whose favor
34 a support order has been issued or a judgment determining parentage has been rendered;

35 (ii) a state or political subdivision to which the rights under a duty of support or support
36 order have been assigned or which has independent claims based on financial assistance
37 provided to an individual obligee; or

38 (iii) an individual seeking a judgment determining parentage of the individual's child.

39 (13) "Obligor" means an individual, or the estate of a decedent:

40 (i) who owes or is alleged to owe a duty of support;

41 (ii) who is alleged but has not been adjudicated to be a parent of a child; or

42 (iii) who is liable under a support order.

43 (14) **"Person" means an individual, corporation, business trust, estate, trust**
44 **partnership, limited liability company, association, joint venture, government,**
45 **governmental subdivision, agency, or instrumentality, public corporation, or any other**
46 **legal or commercial entity.**

47 **(15) "Record" means information that is inscribed on a tangible medium or that**
48 **is stored in an electronic or other medium and is retrievable in perceivable form.**

49 **(16)** "Register" means to record or file a support order or judgment determining
50 parentage in the tribunal having jurisdiction in such action.

51 [(15)] **(17) "Registering tribunal" means a tribunal in which a support order is registered.**

52 [(16)] **(18) "Responding state" means a state in which a proceeding is filed or to which**
53 **a proceeding is forwarded for filing from an initiating state under the provisions of sections**
54 **454.850 to [454.997] 454.999 or a law substantially similar to sections 454.850 to [454.997, or**
55 **under a law or procedure substantially similar to the uniform reciprocal enforcement of support**
56 **act, or the revised uniform reciprocal enforcement of support act] 454.999.**

57 [(17)] **(19) "Responding tribunal" means the authorized tribunal in a responding state.**

58 [(18)] **(20) "Spousal-support order" means a support order for a spouse or former spouse**
59 **of the obligor.**

60 [(19)] **(21) "State" means a state of the United States, the District of Columbia, the**
61 **Commonwealth of Puerto Rico, or any territory or insular possession subject to the jurisdiction**
62 **of the United States. The term "state" includes:**

63 (i) an Indian tribe; and

64 (ii) a foreign jurisdiction that has enacted a law or established procedures for issuance
65 and enforcement of support orders which are substantially similar to the procedures under
66 sections 454.850 to [454.997 or the procedures under the uniform reciprocal enforcement of
67 support act or the revised uniform reciprocal enforcement of support act] **454.999.**

68 [(20)] **(22) "Support enforcement agency" means a public official or agency authorized**
69 **to seek:**

70 (i) enforcement of support orders or laws relating to the duty of support;

71 (ii) establishment or modification of child support;

72 (iii) determination of parentage; [or]

73 (iv) [to locate] **location of obligors or their assets; or**

74 **(v) determination of the controlling child support order.**

75 [(21)] **(23) "Support order" means a judgment, decree, [or] order, or directive, whether**
76 **temporary, final, or subject to modification, issued by a tribunal for the benefit of a child, a**
77 **spouse, or a former spouse, which provides for monetary support, health care, arrearages, or**
78 **reimbursement, and may include related costs and fees, interest, income withholding, attorney's**
79 **fees, and other relief.**

80 [(22)] **(24) "Tribunal" means a court, administrative agency, or quasi-judicial entity**
81 **authorized to establish, enforce, or modify support orders or to determine parentage.**

454.855. (a) Remedies provided by sections 454.850 to [454.997] **454.999** are cumulative and do not affect the availability of remedies under other law, **including the recognition of a support order of a foreign country or political subdivision on the bases of comity.**

(b) Sections **454.850 to 454.999** do not:

(1) **provide the exclusive method of establishing or enforcing a support order under the laws of this state; or**

(2) **grant a tribunal of this state jurisdiction to render judgment or issue an order relating to child custody or visitation in a proceeding under sections 454.850 to 454.999.**

454.857. (a) In a proceeding to establish, or enforce, or modify a support order or to determine parentage, a tribunal of this state may exercise personal jurisdiction over a nonresident individual or the individual's guardian or conservator if:

(1) the individual is personally served with notice within this state;

(2) the individual submits to the jurisdiction of this state by consent, by entering a general appearance, or by filing a responsive document having the effect of waiving any contest to personal jurisdiction;

(3) the individual resided with the child in this state;

(4) the individual resided in this state and provided prenatal expenses or support for the child;

(5) the child resides in this state as a result of the acts or directives of the individual;

(6) the individual engaged in sexual intercourse in this state and the child may have been conceived by that act of intercourse;

(7) the individual asserted parentage in the putative father registry maintained in this state by the department of health and senior services; or

(8) there is any other basis consistent with the constitutions of this state and the United States for the exercise of personal jurisdiction.

(b) **The bases of personal jurisdiction set forth in subsection (a) or in any other laws of this state shall not be used to acquire personal jurisdiction for a tribunal of the state to modify a child support order of another state unless the requirements of section 454.973 or 454.978 are met.**

454.860. [A tribunal of this state exercising personal jurisdiction over a nonresident under section 454.857 may apply section 454.917 to receive evidence from another state, and section 454.922 to obtain discovery through a tribunal of another state. In all other respects, sections 454.880 to 454.983 do not apply and the tribunal shall apply the procedural and

5 substantive law of this state, including the rules on choice of law other than those established
6 by sections 454.850 to 454.997] **Personal jurisdiction acquired by a tribunal of this state in**
7 **a proceeding under sections 454.850 to 454.999 or other laws of this state relating to a**
8 **support order continues as long as a tribunal of this state has continuing, exclusive**
9 **jurisdiction to modify its order or continuing jurisdiction to enforce its order as provided**
10 **by sections 454.867, 454.869, and 454.870.**

454.867. (a) A tribunal of this state [issuing] **that has issued** a support order consistent
2 with the law of this state has **and shall exercise** continuing, exclusive jurisdiction [over a] **to**
3 **modify its child support order if the order is the controlling order and:**

4 (1) [as long as] **at the time of the filing of a request for modification** this state
5 [remains] **is** the residence of the obligor, the individual obligee, or the child for whose benefit
6 the support order is issued; or

7 (2) [until each individual party has filed written consent with the tribunal of this state
8 for a tribunal of another state to modify the order and assume continuing, exclusive jurisdiction]
9 **even if this state is not the residence of the obligor, the individual obligee, or the child for**
10 **whose benefit the support order is issued, the parties consent in a record or in open court**
11 **that the tribunal of this state may continue to exercise jurisdiction to modify its order.**

12 (b) A tribunal of this state [issuing] **that has issued** a child support order consistent with
13 the law of this state may not exercise [its] continuing, **exclusive** jurisdiction to modify the order
14 if [the order has been modified by a tribunal of another state pursuant to sections 454.850 to
15 454.997 or a law substantially similar to sections 454.850 to 454.997] :

16 (1) **all of the parties who are individuals file consent in a record with the tribunal**
17 **of this state that a tribunal of another state that has jurisdiction over at least one of the**
18 **parties who is an individual or that is located in the state of residence of the child may**
19 **modify the order and assume continuing, exclusive jurisdiction; or**

20 (2) **its order is not the controlling order.**

21 (c) If a [child support order of this state is modified by a tribunal of another state
22 pursuant to sections 454.850 to 454.997 or a law substantially similar to sections 454.850 to
23 454.997, a tribunal of this state loses its continuing, exclusive jurisdiction with regard to
24 prospective enforcement of the order issued in this state, and may only:

25 (1) enforce the order that was modified as to amounts accruing before the modification;

26 (2) enforce nonmodifiable aspects of that order; and

27 (3) provide other appropriate relief for violations of that order which occurred before
28 the effective date of the modification.

29 (d) A tribunal of this state shall recognize the continuing, exclusive jurisdiction of a
30 tribunal of another state which has issued a child support order pursuant to sections 454.850 to
31 454.997 or a law substantially similar to sections 454.850 to 454.997] **tribunal of another state**
32 **has issued a child support order under sections 454.850 to 454.999 or a law substantially**
33 **similar to sections 454.850 to 454.999 which modifies a child support order of a tribunal**
34 **of this state, tribunals of this state shall recognize the continuing, exclusive jurisdiction of**
35 **the tribunal of the other state.**

36 (d) **A tribunal of this state that lacks continuing, exclusive jurisdiction to modify**
37 **a child support order may serve as an initiating tribunal to request a tribunal of another**
38 **state to modify a support order issued in that state.**

39 (e) A temporary support order issued ex parte or pending resolution of a jurisdictional
40 conflict does not create continuing, exclusive jurisdiction in the issuing tribunal.

41 [(f) A tribunal of this state issuing a support order consistent with the law of this state
42 has continuing, exclusive jurisdiction over a spousal support order throughout the existence of
43 the support obligation. A tribunal of this state may not modify a spousal support order issued
44 by a tribunal of another state having continuing, exclusive jurisdiction over that order under the
45 law of that state.]

454.869. (a) A tribunal of this state **that has issued a child support order consistent**
2 **with the laws of this state** may serve as an initiating tribunal to request a tribunal of another
3 state to enforce [or modify a support order issued in that state] :

4 (1) **the order if the order is the controlling order and has not been modified by a**
5 **tribunal of another state that assumed jurisdiction under sections 454.850 to 454.999; or**

6 (2) **a money judgment for arrears of support and interest on the order accrued**
7 **before a determination that an order of another state is the controlling order.**

8 (b) A tribunal of this state having continuing[, exclusive] jurisdiction over a support
9 order may act as a responding tribunal to enforce [or modify] the order. [If a party subject to the
10 continuing, exclusive jurisdiction of the tribunal no longer resides in the issuing state, in
11 subsequent proceedings the tribunal may apply section 454.917 to receive evidence from another
12 state and section 454.922 to obtain discovery through a tribunal of another state.

13 (c) A tribunal of this state which lacks continuing, exclusive jurisdiction over a spousal
14 support order may not serve as a responding tribunal to modify a spousal support order of
15 another state.]

454.871. (a) If a proceeding is brought under sections 454.850 to 454.997, and only one
2 tribunal has issued a child support order, the order of that tribunal is controlling and must be
3 recognized.

(b) If a proceeding is brought under sections 454.850 to 454.997, and two or more child support orders have been issued by tribunals of this state or another state with regard to the same obligor and **same** child, a tribunal of this state **having jurisdiction over both the obligor and individual obligee** shall apply the following rules in determining which order [to recognize for purposes of continuing, exclusive jurisdiction] **controls**:

(1) If only one of the tribunals would have continuing, exclusive jurisdiction under sections 454.850 to [454.997] **454.999**, the order of that tribunal is controlling and must be recognized.

(2) If more than one of the tribunals would have continuing, exclusive jurisdiction under sections 454.850 to [454.997] **454.999**, an order issued by a tribunal in the current home state of the child [must be recognized] **controls**, but if an order has not been issued in the current home state of the child, the order most recently issued [is controlling and must be recognized] **controls**.

(3) If none of the tribunals would have continuing exclusive jurisdiction under sections 454.850 to [454.997] **454.999**, the tribunal of this state [having jurisdiction over the parties] must issue a child support order, which [is controlling and must be recognized] **controls**.

(c) If two or more child support orders have been issued for the same obligor and **same** child [and if the obligor or the individual obligee resides in this state], **upon request of** a party [may request] **who is an individual or a support enforcement agency** a tribunal of this state [to] **having personal jurisdiction over both the obligor and the obligee who is an individual shall** determine which order controls [and must be recognized] under subsection (b) of this section. The request [must be accompanied by a certified copy of every support order in effect. Every party whose rights may be affected by a determination of the controlling order must be given notice of the request for that determination] **may be filed with a registration for enforcement or registration for modification under sections 454.850 to 454.999, or may be filed as a separate proceeding.**

(d) **A request to determine which is the controlling order must be accompanied by a copy of every child support order in effect and the applicable record of payments. The requesting party shall give notice of the request to each party whose rights may be affected by the determination.**

(e) The tribunal that issued the order that must be recognized as controlling under subsection (a), (b) or (c) of this section [is the tribunal that] has continuing[, exclusive] jurisdiction [in accordance with section 454.867] **to the extent provided in section 454.867 or 454.869.**

38 [(e)] **(f)** A tribunal of this state which determines by order the identity of the controlling
39 child support order under subsection (b)(1) [or] , (b)(2), **or (b)(3)** of this section or [which] **that**
40 issues a new controlling child support order under subsection (b)(3) shall include in that order:

41 **(1)** the basis upon which the tribunal made its determination;

42 **(2)** the amount of prospective support, if any; and

43 **(3)** the total amount of consolidated arrears and accrued interest, if any, under all
44 of the orders after all payments made are credited as provided by section 454.877.

45 [(f)] **(g)** Within thirty days after issuance of the order determining [the identity of] **which**
46 **is** the controlling order, the party obtaining that order shall file a certified copy of it [with] **in**
47 each tribunal that had issued or registered an earlier order of child support. [Failure of the party
48 obtaining the order to file] **A party or support enforcement agency obtaining the order that**
49 **fails to file** a certified copy as required subjects that party to appropriate sanctions by a tribunal
50 in which the issue of failure to file arises, but that failure has no effect on the validity or
51 enforceability of the controlling order.

52 **(h)** **An order that has been determined to be the controlling order, or a judgment**
53 **for consolidated arrears of support and interest, if any, under this section shall be**
54 **recognized in proceedings under sections 454.850 to 454.999.**

454.874. In responding to [multiple] registrations or petitions for enforcement of two
2 or more child support orders in effect at the same time with regard to the same obligor and
3 different individual obligees, at least one of which was issued by a tribunal of another state, a
4 tribunal of this state shall enforce those orders in the same manner as if the [multiple] orders had
5 been issued by a tribunal of this state.

454.877. [Amounts collected and credited for a particular period pursuant to a support
2 order issued by a tribunal of another state must be credited against the amounts accruing or
3 accrued for the same period under a support order issued by the tribunal of this state] **A tribunal**
4 **of this state shall credit amounts collected for a particular period under any child support**
5 **order against the amounts owed for the same period under any other child support order**
6 **for support of the same child issued by a tribunal of this state or another state.**

454.878. A tribunal of this state exercising personal jurisdiction over a nonresident
2 **in a proceeding under sections 454.850 to 454.999, under other laws of this state relating**
3 **to a support order, or recognizing a support order of a foreign country or political**
4 **subdivision on the basis of comity may receive evidence from another state under section**
5 **454.917, communicate with a tribunal of another state under section 454.920, and obtain**
6 **discovery through a tribunal of another state under section 454.922. In all other respects,**

7 sections 454.880 to 454.999 do not apply and the tribunal shall apply the procedural and
8 substantive law of this state.

2 454.879. (a) A tribunal of this state issuing a spousal order consistent with the laws
3 of this state has continuing, exclusive jurisdiction to modify the spousal support order
4 throughout the existence of the support obligation.

5 (b) A tribunal of this state may not modify a spousal support order issued by a
6 tribunal of another state having continuing, exclusive jurisdiction over that order under
7 the laws of that state.

8 (c) A tribunal of this state that has continuing, exclusive jurisdiction over a spousal
9 support order may serve as:

10 (1) an initiating tribunal to request a tribunal of another state to enforce the
11 spousal support order issued in this state; or

(2) a responding tribunal to enforce or modify its own spousal support order.

2 454.880. (a) Except as otherwise provided in sections 454.850 to [454.997] **454.999**,
3 this article applies to all proceedings under sections 454.850 to [454.997] **454.999**.

4 (b) [Sections 454.850 to 454.997, provide for the following proceedings:

5 (1) establishment of an order for spousal support or child support pursuant to section
6 454.930;

7 (2) enforcement of a support order and income withholding order of another state
8 without registration pursuant to sections 454.932 to 454.946;

9 (3) registration of an order for spousal support or child support of another state for
10 enforcement pursuant to sections 454.948 to 454.981;

11 (4) modification of an order for child support or spousal support issued by a tribunal of
12 this state pursuant to sections 454.862 to 454.869;

13 (5) registration of an order for child support of another state for modification pursuant
14 to sections 454.948 to 454.981;

15 (6) determination of parentage pursuant to section 454.983; and

16 (7) assertion of jurisdiction over nonresidents pursuant to sections 454.857 to 454.860.

17 (c)] An individual petitioner or a support enforcement agency may commence a
18 proceeding authorized under sections 454.850 to [454.997] **454.999**, by filing a petition in an
19 initiating tribunal for forwarding to a responding tribunal or by filing a petition or a comparable
20 pleading directly in a tribunal of another state which has or can obtain personal jurisdiction over
the respondent.

2 454.885. Except as otherwise provided by sections 454.850 to 454.997, a responding
tribunal of this state **shall**:

3 (1) [shall] apply the procedural and substantive law[, including the rules on choice of
4 law,] generally applicable to similar proceedings originating in this state and may exercise all
5 powers and provide all remedies available in those proceedings; and

6 (2) [shall] determine the duty of support and the amount payable in accordance with the
7 law and support guidelines of this state.

454.887. (a) Upon the filing of a petition authorized by sections 454.850 to 454.997,
2 an initiating tribunal of this state shall forward [three copies of] the petition and its
3 accompanying documents:

4 (1) to the responding tribunal or appropriate support enforcement agency in the
5 responding state; or

6 (2) if the identity of the responding tribunal is unknown, to the state information agency
7 of the responding state with a request that they be forwarded to the appropriate tribunal and that
8 receipt be acknowledged.

9 (b) If [a responding state has not enacted the uniform interstate family support act or a
10 law or procedure substantially similar to the uniform interstate family support act] **requested**
11 **by the responding tribunal**, a tribunal of this state [may] **shall** issue a certificate or other
12 documents and make findings required by the law of the responding state. If the responding
13 state is a foreign [jurisdiction] **country or political subdivision, upon request**, the tribunal
14 [may] **shall** specify the amount of support sought [and provide] , **convert that amount into the**
15 **equivalent amount in the foreign currency under applicable official or market exchange**
16 **rate as publicly reported, and provide any** other documents necessary to satisfy the
17 requirements of the responding state.

454.890. (a) When a responding tribunal of this state receives a petition or comparable
2 pleading from an initiating tribunal or directly pursuant to subsection (c) of section 454.880, it
3 shall cause the petition or pleading to be filed and notify the petitioner where and when it was
4 filed.

5 (b) A responding tribunal of this state, to the extent [otherwise authorized by] **not**
6 **prohibited by other** law, may do one or more of the following:

7 (1) issue or enforce a support order, modify a child support order, [or render a judgment
8 to] **determine the controlling child support order, or** determine parentage;

9 (2) order an obligor to comply with a support order, specifying the amount and the
10 manner of compliance;

11 (3) order income withholding;

12 (4) determine the amount of any arrearages, and specify a method of payment;

13 (5) enforce orders by civil or criminal contempt, or both;

- 14 (6) set aside property for satisfaction of the support order;
- 15 (7) place liens and order execution on the obligor's property;
- 16 (8) order an obligor to keep the tribunal informed of the obligor's current residential
17 address, telephone number, employer, address of employment, and telephone number at the
18 place of employment;
- 19 (9) issue a bench warrant for an obligor who has failed after proper notice to appear at
20 a hearing ordered by the tribunal and enter the bench warrant in any local and state computer
21 systems for criminal warrants;
- 22 (10) order the obligor to seek appropriate employment by specified methods;
- 23 (11) award reasonable attorney's fees and other fees and costs; and
- 24 (12) grant any other available remedy.
- 25 (c) A responding tribunal of this state shall include a support order issued under sections
26 454.850 to [454.997] **454.999**, or in the documents accompanying the order, the calculations on
27 which the support order is based.
- 28 (d) A responding tribunal of this state may not condition the payment of a support order
29 issued under sections 454.850 to [454.997] **454.999**, upon compliance by a party with provisions
30 for visitation.
- 31 (e) If a responding tribunal of this state issues an order under sections 454.850 to
32 [454.997] **454.999**, the tribunal shall send a copy of the order to the petitioner and the
33 respondent and to the initiating tribunal, if any.
- 34 **(f) If requested to enforce a support order, arrears, or judgment, or modify a**
35 **support order stated in a foreign currency, a responding tribunal of this state shall convert**
36 **the amount stated in the foreign currency to the equivalent amount in dollars under the**
37 **applicable official or market exchange rate as publicly reported.**
- 454.892. If a petition or comparable pleading is received by an inappropriate tribunal
2 of this state, [it] **the tribunal** shall forward the pleading and accompanying documents to an
3 appropriate tribunal in this state or another state and notify the petitioner by first class mail
4 where and when the pleading was sent.
- 454.895. (a) A support enforcement agency of this state, upon request, shall provide
2 services to a petitioner in a proceeding under sections 454.850 to 454.997.
- 3 (b) A support enforcement agency **of this state** that is providing services to the
4 petitioner [as appropriate] shall:
- 5 (1) take all steps necessary to enable an appropriate tribunal in this state or another state
6 to obtain jurisdiction over the respondent;
- 7 (2) request an appropriate tribunal to set a date, time, and place for a hearing;

8 (3) make a reasonable effort to obtain all relevant information, including information
9 as to income and property of the parties;

10 (4) within two days, exclusive of Saturdays, Sundays, and legal holidays, after receipt
11 of a written notice from an initiating, responding, or registering tribunal, send a copy of the
12 notice to the petitioner;

13 (5) within two days, exclusive of Saturdays, Sundays, and legal holidays, after receipt
14 of a written communication from the respondent or the respondent's attorney, send a copy of the
15 communication to the petitioner; and

16 (6) notify the petitioner if jurisdiction over the respondent cannot be obtained.

17 (c) **A support enforcement agency of this state that requests registration of a child**
18 **support order in this state for enforcement or for modification shall make reasonable**
19 **efforts:**

20 (1) **to ensure that the order to be registered is the controlling order; or**

21 (2) **if two or more child support orders exist and the identity of the controlling**
22 **order has not been determined, to ensure that a request for such a determination is made**
23 **in a tribunal having jurisdiction to do so.**

24 (d) **A support enforcement agency of this state that requests registration and**
25 **enforcement of a support order, arrears, or judgment stated in a foreign currency shall**
26 **convert the amounts stated in the foreign currency into the equivalent amounts in dollars**
27 **under the applicable official or market exchange rate as publicly reported.**

28 (e) **A support enforcement agency of this state shall issue or request a tribunal of**
29 **this state to issue a child support order and an income withholding order that redirect**
30 **payment of current support, arrears, and interest if requested to do so by a support**
31 **enforcement agency of another state under section 454.927.**

32 (f) Sections 454.850 to [454.997] **454.999**, do not create or negate a relationship of
33 attorney and client or other fiduciary relationship between a support enforcement agency or the
34 attorney for the agency and the individual being assisted by the agency.

454.897. (a) If the attorney general determines that the support enforcement agency is
2 neglecting or refusing to provide services to an individual, the attorney general may order the
3 agency to perform its duties under sections 454.850 to [454.997] **454.999** or may provide those
4 services directly to the individual.

5 (b) **The attorney general may determine that a foreign country or political**
6 **subdivision has established a reciprocal arrangement for child support with this state and**
7 **take appropriate action for notification of the determination.**

454.902. (a) The division of child support enforcement is the state information agency
2 under sections 454.850 to [454.997] **454.999**.

3 (b) The state information agency shall:

4 (1) compile and maintain a current list, including addresses, of the tribunals in this state
5 which have jurisdiction under sections 454.850 to [454.997] **454.999**, and any support
6 enforcement agencies in this state and transmit a copy to the state information agency of every
7 other state;

8 (2) maintain a register of **names and addresses of** tribunals and support enforcement
9 agencies received from other states;

10 (3) forward to the appropriate tribunal in the [place] **county** in this state in which the
11 [individual] obligee **who is an individual** or the obligor resides, or in which the obligor's
12 property is believed to be located, all documents concerning a proceeding under sections
13 454.850 to [454.997] **454.999**, received from an initiating tribunal or the state information
14 agency of the initiating state; and

15 (4) obtain information concerning the location of the obligor and the obligor's property
16 within this state not exempt from execution, by such means as postal verification and federal or
17 state locator services, examination of telephone directories, requests for the obligor's address
18 from employers, and examination of governmental records, including, to the extent not
19 prohibited by other law, those relating to real property, vital statistics, law enforcement, taxation,
20 motor vehicles, driver's licenses, and Social Security.

454.905. (a) **In a proceeding under sections 454.850 to 454.999**, a petitioner seeking
2 to establish [or modify] a support order or to determine parentage [in a proceeding under
3 sections 454.850 to 454.997, must verify the] **must file a** petition. Unless otherwise ordered
4 under section 454.907, the petition or accompanying documents must provide, so far as known,
5 the name, residential address, and Social Security numbers of the obligor and the obligee **or the**
6 **parent and alleged parent**, and the name, sex, residential address, Social Security number, and
7 date of birth of each child for [whom] **whose benefit** support is sought **or whose parentage is**
8 **to be determined. Unless filed at the time of registration**, the petition must be accompanied
9 by a [certified] copy of any support order [in effect] **known to have been issued in another**
10 **state**. The petition may include any other information that may assist in locating or identifying
11 the respondent.

12 (b) The petition must specify the relief sought. The petition and accompanying
13 documents must conform substantially with the requirements imposed by the forms mandated
14 by federal law for use in cases filed by a support enforcement agency.

15 (c) Contemporaneously with the filing of every petition filed under this section, the
16 filing party shall file a family court information sheet with the court which provides the
17 name and address of the current employer and the Social Security number of the petitioner
18 or movant if a person, and if known to the petitioner or movant, the name and address of
19 the current employer and the Social Security number of the respondent, and the name,
20 date of birth, and Social Security number of each child who is the subject of the matter
21 before the court, which shall remain sealed by the court and not subject to public
22 inspection.

454.907. [Upon a finding, which may be made ex parte, that the health, safety, or liberty
2 of a party or child would be unreasonably put at risk by the disclosure of identifying information,
3 or if an existing order so provides, a tribunal shall order that the address of the child or party or
4 other identifying information not be disclosed in a pleading or other document filed in a
5 proceeding under sections 454.850 to 454.997.] **If a party alleges in an affidavit or a pleading**
6 **under oath that the health, safety, or liberty of a party or child would be jeopardized by**
7 **disclosure of specific identifying information, that information must be sealed and may not**
8 **be disclosed to the other party or the public. After a hearing in which a tribunal takes into**
9 **consideration the health, safety, or liberty of the party or child, the tribunal may order**
10 **disclosure of information that the tribunal determines to be in the interest of justice.**

454.912. (a) Participation by a petitioner in a proceeding **under sections 454.850 to**
2 **454.999** before a responding tribunal, whether in person, by private attorney, or through services
3 provided by the support enforcement agency, does not confer personal jurisdiction over the
4 petitioner in another proceeding.

5 (b) A petitioner is not amenable to service of civil process while physically present in
6 this state to participate in a proceeding under sections 454.850 to [454.997] **454.999**.

7 (c) The immunity granted by this section does not extend to civil litigation based on acts
8 unrelated to a proceeding under sections 454.850 to [454.997] **454.999**, committed by a party
9 while present in this state to participate in the proceeding.

454.917. (a) The physical presence of [the petitioner] **a nonresident party who is an**
2 **individual** in a [responding] tribunal of this state is not required for the establishment,
3 enforcement, or modification of a support order or the rendition of a judgment determining
4 parentage.

5 (b) [A verified petition,] **an** affidavit, document substantially complying with federally
6 mandated forms, and a document incorporated by reference in any of them, **which would not**
7 **be** excluded under the hearsay rule if given in person, is admissible in evidence if given under
8 [oath] **penalty of perjury** by a party or witness residing in another state.

9 (c) A copy of the record of child support payments certified as a true copy of the original
10 by the custodian of the record may be forwarded to a responding tribunal. The copy is evidence
11 of facts asserted in it, and is admissible to show whether payments were made.

12 (d) Copies of bills for testing for parentage, and for prenatal and postnatal health care
13 of the mother and child, furnished to the adverse party at least ten days before trial, are
14 admissible in evidence to prove the amount of the charges billed and that the charges were
15 reasonable, necessary, and customary.

16 (e) Documentary evidence transmitted from another state to a tribunal of this state by
17 telephone, telecopier, or other means that do not provide an original [writing] **record** may not
18 be excluded from evidence on an objection based on the means of transmission.

19 (f) In a proceeding under sections 454.850 to [454.997] **454.999**, a tribunal of this state
20 [may] **shall** permit a party or witness residing in another state to be deposed or to testify by
21 telephone, audiovisual means, or other electronic means at a designated tribunal or other location
22 in that state. A tribunal of this state shall cooperate with tribunals of other states in designating
23 an appropriate location for the deposition or testimony.

24 (g) If a party called to testify at a civil hearing refuses to answer on the ground that the
25 testimony may be self-incriminating, the trier of fact may draw an adverse inference from the
26 refusal.

27 (h) A privilege against disclosure of communications between spouses does not apply
28 in a proceeding under sections 454.850 to [454.997] **454.999**.

29 (i) The defense of immunity based on the relationship of husband and wife or parent and
30 child does not apply in a proceeding under sections 454.850 to [454.997] **454.999**.

31 (j) **A voluntary acknowledgment of paternity, certified as a true copy, is admissible**
32 **to establish parentage of a child.**

33 454.920. A tribunal of this state may communicate with a tribunal of another state [in
34 writing] **or foreign country or political subdivision in a record**, or by telephone or other
35 means, to obtain information concerning the laws [of that state], the legal effect of a judgment,
36 decree, or order of that tribunal, and the status of a proceeding in the other state **or foreign**
37 **country or political subdivision**. A tribunal of this state may furnish similar information by
38 similar means to a tribunal of another state **or foreign country or political subdivision**.

2 454.927. (a) A support enforcement agency or tribunal of this state shall disburse
3 promptly any amounts received pursuant to a support order, as directed by the order. The
4 agency or tribunal shall furnish to a requesting party or tribunal of another state a certified
statement by the custodian of the record of the amounts and dates of all payments received.

5 **(b) If the obligor, the obligee who is an individual, and the child do not reside in**
6 **this state, upon request from the support enforcement agency of this state or another state,**
7 **the support enforcement agency of this state or a tribunal of this state shall:**

8 **(1) direct that the support payment be made to the support enforcement agency in**
9 **the state in which the obligee is receiving services; and**

10 **(2) issue and send to the obligor's employer a conforming income withholding order**
11 **or an administrative notice of change of payee reflecting the redirected payments.**

12 **(c) The support enforcement agency of this state receiving redirected payments**
13 **from another state under a law similar to subsection (b) shall furnish to a requesting party**
14 **or tribunal of the other state a certified statement by the custodian of the record of the**
15 **amount and dates of payments received.**

 454.930. (a) If a support order entitled to recognition under sections 454.850 to
2 [454.997] **454.999**, has not been issued, a responding tribunal of this state may issue a support
3 order if:

4 (1) the individual seeking the order resides in another state; or

5 (2) the support enforcement agency seeking the order is located in another state.

6 (b) The tribunal may issue a temporary child support order if **the tribunal determines**
7 **that such an order is appropriate and the individual ordered to pay is:**

8 (1) [the respondent has signed a verified statement acknowledging parentage;

9 (2) the respondent has been determined by or pursuant to law to be the parent; or

10 (3) there is other clear and convincing evidence that the respondent is the child's parent]
11 **a presumed father of the child;**

12 **(2) petitioning to have his paternity adjudicated;**

13 **(3) identified as the father of the child through genetic testing;**

14 **(4) an alleged father who has declined to submit to genetic testing;**

15 **(5) shown by clear and convincing evidence to be the father of the child;**

16 **(6) an acknowledged father as provided by applicable state law;**

17 **(7) the mother of the child; or**

18 **(8) an individual who has been ordered to pay child support in a previous**
19 **proceeding and the order has not been reversed or vacated.**

20 (c) Upon finding, after notice and opportunity to be heard, that an obligor owes a duty
21 of support, the tribunal shall issue a support order directed to the obligor and may issue other
22 orders pursuant to section 454.890.

 454.932. An income withholding order issued in another state may be sent **by or on**
2 **behalf of the obligee or by the support enforcement agency** to the person [or entity] defined

3 as the obligor's employer under section 452.350, RSMo, or section 454.505 without first filing
4 a petition or comparable pleading or registering the order with a tribunal of this state.

2 454.934. (a) Upon receipt of the order, the obligor's employer shall immediately provide
2 a copy of the order to the obligor.

3 (b) The employer shall treat an income withholding order issued in another state which
4 appears regular on its face as if it had been issued by a tribunal of this state.

5 (c) Except as provided in subsection (d) of this section and section 454.936, the
6 employer shall withhold and distribute the funds as directed in the withholding order by
7 complying with the terms of the order, as applicable, that specify:

8 (1) the duration and the amount of periodic payments of current child support, stated as
9 a sum certain;

10 (2) the person [or agency] designated to receive payments and the address to which the
11 payments are to be forwarded;

12 (3) medical support, whether in the form of periodic cash payment, stated as a sum
13 certain, or ordering the obligor to provide health insurance coverage for the child under a policy
14 available through the obligor's employment;

15 (4) the amount of periodic payments of fees and costs for a support enforcement agency,
16 the issuing tribunal, and the obligee's attorney, stated as sums certain; and

17 (5) the amount of periodic payments of arrears and interest on arrears, stated as sums
18 certain.

19 (d) The employer shall comply with the law of the state of the obligor's principal place
20 of employment for withholding from income with respect to:

21 (1) the employer's fee for processing an income withholding order;

22 (2) the maximum amount permitted to be withheld from the obligor's income;

23 (3) the time periods within which the employer must implement the withholding order
24 and forward the child support payment.

2 454.936. If the obligor's employer receives [multiple] **two or more** orders to withhold
3 support from the earnings of the same obligor, the employer shall be deemed to have satisfied
4 the terms of the [multiple] orders if the employer complied with the law of the state of the
5 obligor's principal place of employment to establish the priorities for withholding and allocating
6 income withheld for [multiple] **two or more** child support orders.

2 454.943. (a) An obligor may contest the validity or enforcement of an income
3 withholding order issued in another state and received directly by an employer in this state **by**
4 **registering the order in a tribunal of this state and filing a contest to that order as provided**

4 **in section 454.956 or otherwise contesting the order** in the same manner as if the order had
5 been issued by a tribunal of this state. [Section 454.956 applies to the contest.]

6 (b) The obligor shall give notice of the contest to:

7 (1) a support enforcement agency providing services to the obligee;

8 (2) each employer which has directly received an income withholding order **relating to**
9 **the obligor**; and

10 (3) the person [or agency] designated to receive payments in the income withholding
11 order, or if no person or agency is designated, to the obligee.

454.946. (a) A party **or support enforcement agency** seeking to enforce a support
2 order or an income withholding order, or both, issued by a tribunal of another state may send the
3 documents required for registering the order to a support enforcement agency of this state.

4 (b) Upon receipt of the documents, the support enforcement agency, without initially
5 seeking to register the order, shall consider and, if appropriate, use any administrative procedure
6 authorized by the law of this state to enforce a support order or an income withholding order,
7 or both. If the obligor does not contest administrative enforcement, the order need not be
8 registered. If the obligor contests the validity or administrative enforcement of the order, the
9 support enforcement agency shall register the order pursuant to sections 454.850 to [454.997]
10 **454.999**.

454.951. (a) A support order or income withholding order of another state may be
2 registered in this state by sending the following documents and information to the appropriate
3 tribunal in this state:

4 (1) a letter of transmittal to the tribunal requesting registration and enforcement;

5 (2) two copies, including one certified copy, of all orders to be registered, including any
6 modification of an order;

7 (3) a sworn statement by the party seeking registration or a certified statement by the
8 custodian of the records showing the amount of any arrearage;

9 (4) the name of the obligor and, if known:

10 (i) the obligor's address and Social Security number;

11 (ii) the name and address of the obligor's employer and any other source of income of
12 the obligor; and

13 (iii) a description and the location of property of the obligor in this state not exempt from
14 execution; and

15 (5) the name and address of the obligee and, if applicable, the agency or person to whom
16 support payments are to be remitted.

17 (b) On receipt of a request for registration, the registering tribunal shall cause the order
18 to be filed as a foreign judgment, together with one copy of the documents and information,
19 regardless of their form.

20 (c) A petition or comparable pleading seeking a remedy that must be affirmatively
21 sought under other law of this state may be filed at the same time as the request for registration
22 or later. The pleading must specify the grounds for the remedy sought.

23 **(d) Contemporaneously with the filing of every petition filed under this section, the**
24 **filing party shall file a family court information sheet with the court which provides the**
25 **name and address of the current employer and the Social Security number of the petitioner**
26 **or movant if a person, and if known to the petitioner or movant, the name and address of**
27 **the current employer and the Social Security number of the respondent, and the name,**
28 **date of birth, and Social Security number of each child who is the subject of the matter**
29 **before the court, which shall remain sealed by the court and not subject to public**
30 **inspection.**

31 (e) If two or more orders are in effect, the person requesting registration shall:

32 **(1) furnish to the tribunal a copy of every support order asserted to be in effect in**
33 **addition to the documents specified in this section;**

34 **(2) specify the order alleged to be the controlling order, if any; and**

35 **(3) specify the amount of consolidated arrears, if any.**

36 **(f) A request for a determination of which is the controlling order may be filed**
37 **separately or with a request for registration and enforcement or for registration and**
38 **modification. The person requesting registration shall give notice of the request to each**
39 **party whose rights may be affected by the determination.**

454.956. (a) Except as otherwise provided in subsection (d), the law of the issuing
2 state governs:

3 **(1) the nature, extent, amount, and duration of current payments [and other obligations**
4 **of support and the] under a registered support order;**

5 **(2) the computation and payment of arrearages and accrual of interest on the**
6 **arrearages under the order; and**

7 **(3) the existence and satisfaction of other obligations under the support order.**

8 (b) In a proceeding for [arrearages] **arrears under a registered support order**, the
9 statute of limitation [under the laws] of this state or of the issuing state, whichever is longer,
10 applies.

11 **(c) A responding tribunal of this state shall apply the procedures and remedies of**
12 **this state to enforce current support and collect arrears and interests due on a support**
13 **order of another state registered in this state.**

14 **(d) After a tribunal of this state or another state determines which is the controlling**
15 **order and issues an order consolidating arrears, if any, a tribunal of this state shall**
16 **prospectively apply the law of the state issuing the controlling order, including its law on**
17 **interest on arrears, on current and future support and on consolidated arrears.**

 454.958. (a) When a support order or income withholding order issued in another state
2 is registered, the registering tribunal shall notify the nonregistering party. The notice must be
3 accompanied by a copy of the registered order and the documents and relevant information
4 accompanying the order.

5 (b) The notice must inform the nonregistering party:

6 (1) that a registered order is enforceable as of the date of registration in the same manner
7 as an order issued by a tribunal of this state;

8 (2) that a hearing to contest the validity or enforcement of the registered order must be
9 requested within twenty days after the date of mailing or personal service of the notice;

10 (3) that failure to contest the validity or enforcement of the registered order in a timely
11 manner will result in confirmation of the order and enforcement of the order and the alleged
12 arrearages and precludes further contest of that order with respect to any matter that could have
13 been asserted; and

14 (4) of the amount of any alleged arrearages.

15 **(c) If the registering party asserts that two or more orders are in effect, a notice**
16 **must also:**

17 **(1) identify the two or more orders and the order alleged by the registering person**
18 **to be the controlling order and the consolidated arrears, if any;**

19 **(2) notify the nonregistering party of the right to a determination of which is the**
20 **controlling order;**

21 **(3) state that the procedures provided in subsection (b) apply to the determination**
22 **of which is the controlling order; and**

23 **(4) state that failure to contest the validity or enforcement of the order alleged to**
24 **be the controlling order in a timely manner may result in confirmation that the order is**
25 **the controlling order.**

26 **(d) Upon registration of an income withholding order for enforcement, the registering**
27 **tribunal shall notify the obligor's employer pursuant to section 452.350, RSMo, or section**
28 **454.505.**

454.963. (a) A party contesting the validity or enforcement of a registered order or seeking to vacate the registration has the burden of proving one or more of the following defenses:

- (1) the issuing tribunal lacked personal jurisdiction over the contesting party;
- (2) the order was obtained by fraud;
- (3) the order has been vacated, suspended, or modified by a later order;
- (4) the issuing tribunal has stayed the order pending appeal;
- (5) there is a defense under the law of this state to the remedy sought;
- (6) full or partial payment has been made; or
- (7) the statute of limitation under section 454.956 precludes enforcement of some or all of the **alleged** arrearages; or

(8) the alleged controlling order is not the controlling order.

(b) If a party presents evidence establishing a full or partial defense under subsection (a), a tribunal may stay enforcement of the registered order, continue the proceeding to permit production of additional relevant evidence, and issue other appropriate orders. An uncontested portion of the registered order may be enforced by all remedies available under the law of this state.

(c) If the contesting party does not establish a defense under subsection (a) to the validity or enforcement of the order, the registering tribunal shall issue an order confirming the order.

454.971. A tribunal of this state may enforce a child support order of another state registered for purposes of modification, in the same manner as if the order had been issued by a tribunal of this state, but the registered order may be modified only if the requirements of [section] **sections 454.973, 454.978, and 454.982** have been met.

454.973. (a) [After] **If section 454.978 does not apply, except as otherwise provided in section 454.982, upon petition, a tribunal of this state may modify** a child support order issued in another state [has been] **which is** registered in this state[, unless the provisions of section 454.978 apply, the responding tribunal of this state may modify that order only] if, after notice and hearing, [it] **the tribunal** finds that:

- (1) the following requirements are met:
 - (i) **neither** the child, **nor** the [individual] obligee **who is an individual**, [and the obligor do not reside] **nor the obligor resides** in the issuing state;
 - (ii) a petitioner who is a nonresident of this state seeks modification; and
 - (iii) the respondent is subject to the personal jurisdiction of the tribunal of this state; or

11 (2) **this state is the state of residence of** an individual party or the child is subject to
12 the personal jurisdiction of the tribunal and all of the individual parties have filed [a written
13 consent] **consents in a record** in the issuing tribunal providing that a tribunal of this state may
14 modify the support order and assume continuing, exclusive jurisdiction [over the order.
15 However, if the issuing state is a foreign jurisdiction which has not enacted the Uniform
16 Interstate Family Support Act, as amended, the written consent of the individual party residing
17 in this state is not required for the tribunal to assume jurisdiction to modify the child support
18 order].

19 (b) Modification of a registered child support order is subject to the same requirements,
20 procedures, and defenses that apply to the modification of an order issued by a tribunal of this
21 state and the order may be enforced and satisfied in the same manner.

22 (c) **Except as otherwise provided in section 454.982**, a tribunal of this state may not
23 modify any aspect of a child support order that may not be modified under the law of the issuing
24 state, **including the duration of the obligation of support**. If two or more tribunals have
25 issued child support orders for the same obligor and **same** child, the order that is controlling and
26 must be recognized under the provisions of section 454.871 establishes the nonmodifiable
27 aspects of the support order.

28 (d) **In a proceeding to modify a child support order, the law of the state that is**
29 **determined to have issued the initial controlling order governs the duration of the**
30 **obligation of support. The obligor's fulfillment of the duty of support established by that**
31 **order precludes imposition of a further obligation of support by a tribunal of this state.**

32 (e) On issuance of an order **by a tribunal of this state** modifying a child support order
33 issued in another state, [a] **the** tribunal of this state becomes the tribunal of continuing, exclusive
34 jurisdiction.

 454.976. **If a child support order issued by** a tribunal of this state [shall recognize a
2 modification of its earlier child support order] **is modified** by a tribunal of another state which
3 assumed jurisdiction pursuant to sections 454.850 to [454.997 or a law substantially similar to
4 sections 454.850 to 454.997 and, upon request, except as otherwise provided in sections 454.850
5 to 454.997 shall] **454.999**:

6 (1) **may** enforce [the] **its** order that was modified only as to [amounts] **arrear and**
7 **interest** accruing before the modification;

8 (2) [enforce only nonmodifiable aspects of that order;

9 (3)] **may** provide [other] appropriate relief [only] for violations of [that] **its** order which
10 occurred before the effective date of the modification; and

11 [(4)] **(3)** shall recognize the modifying order of the other state, upon registration, for the
12 purpose of enforcement.

**454.982. (a) If a foreign country or political subdivision that is a state will not or
2 may not modify its order under its laws, a tribunal of this state may assume jurisdiction
3 to modify the child support order and bind all individuals subject to the personal
4 jurisdiction of the tribunal whether or not the consent to modification of a child support
5 order otherwise required of the individual under section 454.973 has been given or whether
6 the individual seeking modification is a resident of this state or of the foreign country or
7 political subdivision.**

8 **(b) An order issued under this section is the controlling order.**

 454.983. [(a)] A [tribunal] **court** of this state **authorized to determine parentage of
2 a child** may serve as [an initiating or] a responding tribunal in a proceeding **to determine
3 parentage** brought under sections 454.850 to [454.997] **454.999** or a law or procedure
4 substantially similar to sections 454.850 to [454.997], or a law or procedure substantially similar
5 to the uniform reciprocal enforcement of support act, or the revised uniform reciprocal
6 enforcement of support act to determine that the petitioner is a parent of a particular child or to
7 determine that a respondent is a parent of that child] **454.999.**

8 [(b) In a proceeding to determine parentage, a responding tribunal of this state shall
9 apply the procedural and substantive law of this state and the rules of this state on choice of
10 law.]

 454.989. (a) Before making demand that the governor of another state surrender an
2 individual charged criminally in this state with having failed to provide for the support of an
3 obligee, the governor of this state may require a prosecutor of this state to demonstrate that at
4 least sixty days previously the obligee had initiated proceedings for support pursuant to sections
5 454.850 to [454.997] **454.999** or that the proceeding would be of no avail.

6 (b) If, under sections 454.850 to [454.997] **454.999** or a law substantially similar to
7 sections 454.850 to [454.997], the uniform reciprocal enforcement of support act, or the revised
8 uniform reciprocal enforcement of support act] **454.999**, the governor of another state makes a
9 demand that the governor of this state surrender an individual charged criminally in that state
10 with having failed to provide for the support of a child or other individual to whom a duty of
11 support is owed, the governor may require a prosecutor to investigate the demand and report
12 whether a proceeding for support has been initiated or would be effective. If it appears that a
13 proceeding would be effective but has not been initiated, the governor may delay honoring the
14 demand for a reasonable time to permit the initiation of a proceeding.

15 (c) If a proceeding for support has been initiated and the individual whose rendition is
16 demanded prevails, the governor may decline to honor the demand. If the petitioner prevails and
17 the individual whose rendition is demanded is subject to a support order, the governor may
18 decline to honor the demand if the individual is complying with the support order.

454.991. [Sections 454.850 to 454.997 shall be applied and construed to effectuate its
2 general purpose to make uniform] **1. In applying and construing sections 454.850 to 454.999**
3 **consideration must be given to the need to promote uniformity of the law with respect to [the**
4 **subject of sections 454.850 to 454.997] its subject matter among states [enacting] that enact**
5 **it.**

6 **2. The provisions of sections 454.850 to 454.999 shall become effective July 1, 2008,**
7 **or upon its passage and approval, whichever later occurs.**

455.005. All full orders of protection issued pursuant to this chapter shall include the
2 Social Security number of the respondent, if known. **However, no court or court personnel**
3 **shall disclose any Social Security number of a living person who is a litigant or child in a**
4 **domestic relations action, unless:**

5 **(1) Such disclosure is permitted by state law, or federal law or regulation; or**

6 **(2) Such disclosure is authorized by the holder of such Social Security number; or**

7 **(3) Such disclosure is for use in connection with any civil, criminal, administrative,**
8 **or arbitral proceeding in any federal, state, or local court.**

9
10 **The clerk of the court shall redact any Social Security number or date of birth of a litigant**
11 **or child prior to releasing of any information from an otherwise public proceeding for a**
12 **full order of protection, except for information requested by a law enforcement official in**
13 **executing or enforcing the order of protection.**

455.513. 1. Upon the filing of a verified petition under sections 455.500 to 455.538, for
2 good cause shown in the petition, and upon finding that no prior order regarding custody is
3 pending or has been made, the court may immediately issue an ex parte order of protection. An
4 immediate and present danger of abuse to a child shall constitute good cause for purposes of this
5 section. An ex parte order of protection entered by the court shall be in effect until the time of
6 the hearing.

7 2. Upon the entry of the ex parte order of protection, the court [shall] **may** enter its order
8 appointing a guardian ad litem or court-appointed special advocate to represent the child victim.

9 3. If the allegations in the petition would give rise to jurisdiction under section 211.031,
10 RSMo, the court may direct the division of family services to conduct an investigation and to
11 provide appropriate services. The division shall submit a written investigative report to the court

12 and to the juvenile officer within thirty days of being ordered to do so. The report shall be made
13 available to the parties and the guardian ad litem or court-appointed special advocate.

**456.4-418. 1. During any period of time that this section applies to an irrevocable
2 trust, the trustee shall have the authority in its discretion to distribute trust income or
3 principal to a qualified remainder beneficiary of the trust. For purposes of this section,
4 a "qualified remainder beneficiary" is a descendant of a permissible distributee who will
5 be eligible to receive distributions of trust income or principal, whether mandatory or
6 discretionary, upon the termination of the interest of such permissible distributee or upon
7 the termination of the trust.**

**8 2. This section shall apply to an irrevocable trust that is administered in this state
9 if:**

**10 (1) the trustee may distribute trust income or principal to one or more permissible
11 distributees;**

**12 (2) no distributions of trust income or principal have been made to any permissible
13 distributee during the ten-year period preceding the notice required by subsection 5 of this
14 section;**

**15 (3) the trustee determines that there will be sufficient assets in the trust for the
16 trustee to meet its obligations to the permissible distributees after any distributions
17 authorized by this section;**

**18 (4) the trustee determines that the application of this section to the trust is not
19 inconsistent with a material purpose of the trust; and**

**20 (5) the trustee determines that the application of this section to a trust that is
21 exempt from the federal generation-skipping transfer tax will not cause the trust to become
22 subject to such tax.**

**23 3. After the trustee determines that this section applies to a trust, this section shall
24 continue to apply to the trust until the first to occur of the following:**

**25 (1) the termination of the interests of all the beneficiaries who were permissible
26 distributees on the date of the notice required by subsection 5 of this section;**

27 (2) the termination of the trust; or

**28 (3) the trustee determines that additional distributions under this section will
29 impair the ability of the trustee to meet its obligation to the permissible distributees.**

**30 4. A spendthrift provision in the terms of a trust is not presumed inconsistent with
31 the application of this section to the trust.**

32 **5. The trustee shall notify the qualified beneficiaries of the trustee that the trustee**
33 **has determined that this section applies to a trust not less than sixty days before**
34 **distributing trust income or principal to any qualified remainder beneficiary.**

35 **6. A trustee acting in good faith shall not be liable to any beneficiary for acting or**
36 **failing to act under this section.**

456.5-505. 1. Whether or not the terms of a trust contain a spendthrift provision, during
2 the lifetime of the settlor, the property of a revocable trust is subject to claims of the settlor's
3 creditors.

4 2. With respect to an irrevocable trust without a spendthrift provision, a creditor or
5 assignee of the settlor may reach the maximum amount that can be distributed to or for the
6 settlor's benefit. If a trust has more than one settlor, the amount the creditor or assignee of a
7 particular settlor may reach may not exceed the settlor's interest in the portion of the trust
8 attributable to that settlor's contribution.

9 3. With respect to an irrevocable trust with a spendthrift provision, a spendthrift
10 provision will prevent the settlor's creditors from satisfying claims from the trust assets except:

11 (1) Where the conveyance of assets to the trust was fraudulent as to creditors pursuant
12 to the provisions of chapter 428, RSMo; or

13 (2) To the extent of the settlor's beneficial interest in the trust assets, if at the time the
14 trust became irrevocable:

15 (a) The settlor was the sole beneficiary of either the income or principal of the trust or
16 retained the power to amend the trust; or

17 (b) The settlor was one of a class of beneficiaries and retained a right to receive a
18 specific portion of the income or principal of the trust that was determinable solely from the
19 provisions of the trust instrument.

20 4. Any trustee who has a duty or power to pay the debts of a deceased settlor may
21 publish a notice in some newspaper published in the county **in which the domicile of the settlor**
22 **at the time of his or her death is situated** once a week for four consecutive weeks in
23 substantially the following form:

24 To all persons interested in the estate of, decedent. The undersigned
25 is acting as Trustee under a trust the terms of which provide that the debts of the decedent may
26 be paid by the Trustee(s) upon receipt of proper proof thereof. The address of the Trustee is
27

28

29 All creditors of the decedent are noticed to present their claims to the undersigned within six (6)
30 months from the date of the first publication of this notice or be forever barred.

31

32 Trustee

33 (1) If such publication is duly made by the trustee, any debts not presented to the trustee
34 within six months from the date of the first publication of the preceding notice shall be forever
35 barred as against the trustee and the trust property.

36 (2) A trustee shall not be liable to account to the decedent's personal representative
37 under the provisions of section 461.300, RSMo, by reason of any debt barred under the
38 provisions of this subsection.

39 **(3) For purposes of this subsection, the term "domicile" means the place in which**
40 **the settlor voluntarily fixed his or her abode, not for a mere special or temporary purpose,**
41 **but with a present intention of remaining there permanently or for an indefinite term.**

42 5. For purposes of this section:

43 (1) during the period the power may be exercised, the holder of a power of withdrawal
44 is treated in the same manner as the settlor of a revocable trust to the extent of the property
45 subject to the power; and

46 (2) upon the lapse, release, or waiver of the power, the holder is treated as the settlor of
47 the trust only to the extent the value of the property affected by the lapse, release, or waiver
48 exceeds the greater of the amount specified in Sections 2041(b)(2), 2514(e) or 2503(b) of the
49 Internal Revenue Code.

50 6. This section shall not apply to a spendthrift trust described, defined, or established in
51 section 456.014.

456.8-802. 1. A trustee shall administer the trust solely in the interests of the
2 beneficiaries.

3 2. Subject to the rights of persons dealing with or assisting the trustee as provided in
4 section 456.10-1012, a sale, encumbrance, or other transaction involving the investment or
5 management of trust property entered into by the trustee for the trustee's own personal account
6 or which is otherwise affected by a conflict between the trustee's fiduciary and personal interests
7 is voidable by a beneficiary affected by the transaction unless:

8 (1) the transaction was authorized by the terms of the trust;

9 (2) the transaction was approved by the court;

10 (3) the beneficiary did not commence a judicial proceeding within the time allowed by
11 section 456.10-1005;

12 (4) the beneficiary consented to the trustee's conduct, ratified the transaction, or released
13 the trustee in compliance with section 456.10-1009; or

14 (5) the transaction involves a contract entered into or claim acquired by the trustee
15 before the person became or contemplated becoming trustee.

16 3. A sale, encumbrance, or other transaction involving the investment or management
17 of trust property is presumed to be affected by a conflict between personal and fiduciary interests
18 if it is entered into by the trustee with:

- 19 (1) the trustee's spouse;
20 (2) the trustee's descendants, siblings, parents, or their spouses;
21 (3) an agent or attorney of the trustee; or
22 (4) a corporation or other person or enterprise in which the trustee, or a person that owns
23 a significant interest in the trustee, has an interest that might affect the trustee's best judgment.

24 4. A transaction between a trustee and a beneficiary that does not concern trust property
25 but that occurs during the existence of the trust or while the trustee retains significant influence
26 over the beneficiary and from which the trustee obtains an advantage is voidable by the
27 beneficiary unless the trustee establishes that the transaction was fair to the beneficiary.

28 5. A transaction not concerning trust property in which the trustee engages in the
29 trustee's individual capacity involves a conflict between personal and fiduciary interests if the
30 transaction concerns an opportunity properly belonging to the trust.

31 6. The following transactions are not presumed to be affected by a conflict between the
32 trustee's personal and fiduciary interest provided that any investment made pursuant to the
33 transaction complies with the Missouri prudent investor act.

34 (1) An investment by a trustee in securities of an investment company or investment
35 trust, **or in shares or interests in a partnership or limited liability company or other entity**
36 **that operates as a privately-offered investment fund**, to which the trustee, or its affiliate,
37 provides services in a capacity other than as trustee.

38 (2) the placing of securities transactions by a trustee through a securities broker that is
39 a part of the same company as the trustee, is owned by the trustee, or is affiliated with the
40 trustee. (3) In addition to the trustee's fees charged to the trust, the trustee, its affiliate,

41 or associated entity may be compensated for any transaction or provision of services described
42 in this subsection 6 or in subdivision (4), (5), or (6) of subsection 8 of this section; provided,
43 however, that with respect to any investment in securities of an investment company or
44 investment trust, **or in shares or interests in a partnership or limited liability company or**
45 **other entity that operates as a privately-offered investment fund**, to which the trustee or its
46 affiliate provides investment advisory or investment management services or any services
47 described in subdivision (5) of subsection 8 of this section, the trustee shall at least annually
48 notify the persons entitled under section 456.8-813 to receive a copy of the trustee's annual
49 report of the rate or method by which the compensation was determined.

50 7. In voting shares of stock or in exercising powers of control over similar interests in
51 other forms of enterprise, the trustee shall act in the best interests of the beneficiaries. If the trust
52 is the sole owner of a corporation or other form of enterprise, the trustee shall elect or appoint
53 directors or other managers who will manage the corporation or enterprise in the best interests
54 of the beneficiaries.

55 8. The following transactions, if fair to the beneficiaries, are not presumed to be affected
56 by a conflict between personal and fiduciary interests and are not precluded by this section:

57 (1) an agreement between a trustee and a beneficiary relating to the appointment or
58 compensation of the trustee;

59 (2) payment of reasonable compensation to the trustee;

60 (3) a transaction between a trust and another trust, decedent's estate, or conservatorship
61 of which the trustee is a fiduciary or in which a beneficiary has an interest;

62 (4) a deposit of trust money in a financial institution operated by the trustee or an
63 affiliate;

64 (5) a delegation and any transaction made pursuant to the delegation from a trustee to
65 an agent that is affiliated or associated with the trustee, provided that notice of any compensation
66 paid pursuant to the delegation is given as provided in subdivision (3) of subsection 6 of this
67 section; or

68 (6) any loan from the trustee or its affiliate.

69 9. The court may appoint a special fiduciary to make a decision with respect to any
70 proposed transaction that might violate this section if entered into by the trustee.

 456.8-816. Without limiting the authority conferred by section 456.8-815, a trustee may:

2 (1) collect trust property and accept or reject additions to the trust property from a settlor
3 or any other person;

4 (2) acquire or sell property in divided or undivided interests, for cash or on credit, at
5 public or private sale;

6 (3) exchange, partition, or otherwise change the character of trust property;

7 (4) deposit trust money in an account in a financial institution;

8 (5) borrow money, with or without security, and mortgage or pledge trust property for
9 a period within or extending beyond the duration of the trust;

10 (6) with respect to an interest in a proprietorship, partnership, limited liability company,
11 business trust, corporation, or other form of business or enterprise, continue the business or other
12 enterprise and take any action that may be taken by shareholders, members, or property owners,
13 including merging, dissolving, or otherwise changing the form of business organization or
14 contributing additional capital;

- 15 (7) with respect to stocks or other securities, exercise the rights of an absolute owner,
16 including the right to:
- 17 (a) vote, or give proxies to vote, with or without power of substitution, or enter into or
18 continue a voting trust agreement;
- 19 (b) hold a security in the name of a nominee or in other form without disclosure of the
20 trust so that title may pass by delivery;
- 21 (c) pay calls, assessments, and other sums chargeable or accruing against the securities,
22 and sell or exercise stock subscription or conversion rights; and
- 23 (d) deposit the securities with a depository or other financial institution;
- 24 (8) with respect to an interest in real property, construct, or make ordinary or
25 extraordinary repairs to, alterations to, or improvements in, buildings or other structures,
26 demolish improvements, raze existing or erect new party walls or buildings, subdivide or
27 develop land, dedicate land to public use or grant public or private easements, and make or
28 vacate plats and adjust boundaries;
- 29 (9) enter into a lease for any purpose as lessor or lessee, including a lease or other
30 arrangement for exploration and removal of natural resources, with or without the option to
31 purchase or renew, for a period within or extending beyond the duration of the trust;
- 32 (10) grant an option involving a sale, lease, or other disposition of trust property or
33 acquire an option for the acquisition of property, including an option exercisable beyond the
34 duration of the trust, and exercise an option so acquired;
- 35 (11) insure the property of the trust against damage or loss and insure the trustee, the
36 trustee's agents, and beneficiaries against liability arising from the administration of the trust;
- 37 (12) abandon or decline to administer property of no value or of insufficient value to
38 justify its collection or continued administration;
- 39 (13) with respect to possible liability for violation of environmental law:
- 40 (a) inspect or investigate property the trustee holds or has been asked to hold, or
41 property owned or operated by an organization in which the trustee holds or has been asked to
42 hold an interest, for the purpose of determining the application of environmental law with
43 respect to the property;
- 44 (b) take action to prevent, abate, or otherwise remedy any actual or potential violation
45 of any environmental law affecting property held directly or indirectly by the trustee, whether
46 taken before or after the assertion of a claim or the initiation of governmental enforcement;
- 47 (c) decline to accept property into trust or disclaim any power with respect to property
48 that is or may be burdened with liability for violation of environmental law;
- 49 (d) compromise claims against the trust which may be asserted for an alleged violation
50 of environmental law; and

- 51 (e) pay the expense of any inspection, review, abatement, or remedial action to comply
52 with environmental law;
- 53 (14) pay or contest any claim, settle a claim by or against the trust, and release, in whole
54 or in part, a claim belonging to the trust;
- 55 (15) pay taxes, assessments, compensation of the trustee and of employees and agents
56 of the trust, and other expenses incurred in the administration of the trust;
- 57 (16) exercise elections with respect to federal, state, and local taxes;
- 58 (17) select a mode of payment under any employee benefit or retirement plan, annuity,
59 or life insurance payable to the trustee, exercise rights thereunder, including exercise of the right
60 to indemnification for expenses and against liabilities, and take appropriate action to collect the
61 proceeds;
- 62 (18) make loans out of trust property, including loans to a beneficiary on terms and
63 conditions the trustee considers to be fair and reasonable under the circumstances, and the
64 trustee has a lien on future distributions for repayment of those loans;
- 65 (19) pledge trust property to guarantee or secure loans made by others to a beneficiary;
- 66 (20) appoint a trustee to act in another jurisdiction with respect to trust property located
67 in the other jurisdiction, confer upon the appointed trustee all of the powers and duties of the
68 appointing trustee, require that the appointed trustee furnish security, and remove any trustee so
69 appointed;
- 70 (21) pay an amount distributable to a beneficiary who is under a legal disability or who
71 the trustee reasonably believes is incapacitated, by paying it directly to the beneficiary or
72 applying it for the beneficiary's benefit, or by:
- 73 (a) paying it to the beneficiary's conservator or, if the beneficiary does not have a
74 conservator, the beneficiary's guardian;
- 75 (b) paying it to the beneficiary's custodian under the Missouri transfers to minors law
76 under sections 404.005 to 404.094, RSMo, or a personal custodian under sections 404.400 to
77 404.650, RSMo, and, for that purpose, creating a custodianship or custodial trust;
- 78 (c) if the trustee does not know of a conservator, guardian, custodian, or custodial
79 trustee, paying it to an adult relative or other person having legal or physical care or custody of
80 the beneficiary, to be expended on the beneficiary's behalf; or
- 81 (d) managing it as a separate fund on the beneficiary's behalf, subject to the beneficiary's
82 continuing right to withdraw the distribution;
- 83 (22) on distribution of trust property or the division or termination of a trust, make
84 distributions in divided or undivided interests, allocate particular assets in proportionate or
85 disproportionate shares, value the trust property for those purposes, and adjust for resulting
86 differences in valuation;

87 (23) resolve a dispute concerning the interpretation of the trust or its administration by
88 mediation, arbitration, or other procedure for alternative dispute resolution;

89 (24) prosecute or defend an action, claim, or judicial proceeding in any jurisdiction to
90 protect trust property and the trustee in the performance of the trustee's duties;

91 (25) to engage and compensate attorneys, accountants, investment advisors, or other
92 agents, and to delegate to them trustee's duties and functions in accordance with the provisions
93 of section 456.8-807;

94 (26) sign and deliver contracts and other instruments that are useful to achieve or
95 facilitate the exercise of the trustee's powers;

96 (27) on termination of the trust, exercise the powers appropriate to wind up the
97 administration of the trust and distribute the trust property to the persons entitled to it; and

98 (28) to invest and reinvest trust assets in accordance with sections 469.900 to 469.913,
99 RSMo; including investing and reinvesting **trust assets in United States government**
100 **obligations, either directly or in the form of securities of, or other interests in, any open-**
101 **end or closed-end management type investment company or investment trust registered**
102 **pursuant to the Investment Company Act of 1940, as amended, including but not limited**
103 **to United States government obligations and repurchase agreements fully collateralized**
104 **by such obligations, notwithstanding that the governing instrument or order directs,**
105 **requires, authorizes, or restricts investment in or to United States government obligations**
106 **or repurchase agreements fully collateralized by such obligations, and** in securities or
107 obligations of any state or its political subdivisions, including securities or obligations that are
108 underwritten by the trustee or an affiliate of the trustee or a syndicate in which the trustee or an
109 affiliate of the trustee is a member which meet the standards established by the division of
110 finance pursuant to subsection 5 of section 362.550, RSMo.

476.083. 1. In addition to any appointments made pursuant to section 485.010, RSMo,
2 the presiding judge of each circuit containing one or more facilities operated by the department
3 of corrections with an average total inmate population in all such facilities in the circuit over the
4 previous two years of more than [two] **one** thousand five hundred inmates may appoint a circuit
5 court marshal to aid the presiding judge in the administration of the judicial business of the
6 circuit by overseeing the physical security of the courthouse, serving court-generated papers and
7 orders, and assisting the judges of the circuit as the presiding judge determines appropriate.
8 Such circuit court marshal appointed pursuant to the provisions of this section shall serve at the
9 pleasure of the presiding judge. The circuit court marshal authorized by this section is in
10 addition to staff support from the circuit clerks, deputy circuit clerks, division clerks, municipal
11 clerks, and any other staff personnel which may otherwise be provided by law.

12 2. The salary of a circuit court marshal shall be established by the presiding judge of the
13 circuit within funds made available for that purpose, but such salary shall not exceed ninety
14 percent of the salary of the highest paid sheriff serving a county wholly or partially within that
15 circuit. Personnel authorized by this section shall be paid from state funds or federal grant
16 moneys which are available for that purpose and not from county funds.

17 3. Any person appointed as a circuit court marshal pursuant to this section shall have at
18 least five years' prior experience as a law enforcement officer. In addition, any such person shall
19 within one year after appointment, or as soon as practicable, attend a court security school or
20 training program operated by the United States Marshal Service. In addition to all other powers
21 and duties prescribed in this section, a circuit court marshal may:

22 (1) Serve process;

23 (2) Wear a concealable firearm; and

24 (3) Make an arrest based upon local court rules and state law, and as directed by the
25 presiding judge of the circuit.

 477.600. 1. There is hereby created within the judicial department a "Judicial Finance
2 Commission". The commission shall be composed of seven members appointed by the supreme
3 court. At least one member of the commission shall be a member of a county governing body
4 from a county of the third class, one member of the commission shall be a member of the county
5 governing body of a county of the first class, and one member of the commission shall be a
6 member of a county governing body from any class of county. The supreme court shall
7 designate one member to serve as chairman and one member as vice chairman. The vice
8 chairman shall preside in the absence of the chairman.

9 2. The members of the commission shall serve for terms of three years and until their
10 successors are appointed and qualified; except that of the initial members appointed, three shall
11 serve for terms of one year, two shall serve for terms of two years and two shall serve for terms
12 of three years, as designated by the court.

13 3. If a vacancy occurs the court shall appoint a replacement. The replacement shall
14 serve the unexpired portion of the term and may be appointed to successive terms.

15 4. The commission shall promulgate rules of procedure which shall become effective
16 upon approval by the supreme court. The supreme court may adopt such other rules as it deems
17 appropriate to govern the procedures of the commission.

18 5. The commission shall:

19 (1) Examine the budget request of the circuit court upon the petition by the county
20 governing body as provided in section 50.640, RSMo, or any budget or item in the budget
21 estimated by the court including, but not limited to, compensation of deputy sheriffs and
22 assistants, as set forth in section 57.250, RSMo;

23 (2) Issue a written opinion addressed to the presiding circuit judge and the presiding
24 officer of the county. The opinion shall state the conclusions of the commission as to the
25 reasonableness of the circuit court budget request. The opinion of the commission shall state
26 clearly the reasons for its decision. Any member of the commission who disagrees with the
27 commission's findings may file a minority report;

28 (3) Maintain accurate records of the cost and expenses of the judicial and law
29 enforcement agencies for each county;

30 (4) Submit an annual report to the governor, general assembly, and supreme court on the
31 finances of the judicial department. The report shall examine both the revenues of the
32 department and the expenses of the department. The report shall include the information from
33 all divisions of the circuit court of each county including the circuit, associate circuit, probate,
34 juvenile and municipal divisions. The information shall be reported separately except where the
35 divisions are combined or consolidated. **In lieu of separate publication, the supreme court
36 may direct the annual report described in this subdivision to be consolidated with any
37 annual report prepared by the supreme court or the office of state courts administrator,
38 provided that such report is distributed to the parties described in this subdivision.**

39 6. In discharging its responsibilities, the commission may:

40 (1) Conduct public hearings, take testimony, summon witnesses, and subpoena records
41 and documents;

42 (2) Conduct surveys and collect data from county governments and the circuit courts on
43 the operations of the judicial and law enforcement agencies in each county. The commission
44 and its staff shall be granted access at any reasonable time to all books, records, and data the
45 commission deems necessary for the administration of its duties;

46 (3) Within the limits of appropriations made for the purpose, appoint special committees,
47 accept and expend grant funds, and employ consultants and others to assist the commission in
48 its work.

49 7. Upon receipt of the written opinion of the commission or upon refusal of the
50 commission to accept a petition for review, the circuit court or the county governing body may
51 seek a review by the supreme court by filing a petition for review in the supreme court within
52 thirty days of the receipt of the commission's opinion. If a petition for review is not filed in the
53 supreme court, then the recommendation of the commission shall take effect notwithstanding
54 the provisions of section 50.600, RSMo. If the commission refused to review a petition and no
55 petition is filed in the supreme court, the circuit court budget is approved as submitted to the
56 county governing body. The supreme court shall consider the petition for review de novo.

57 8. The commission shall meet as necessary at the call of the chairman or on written
58 request of four members. Four members constitute a quorum for the transaction of business.

59 Upon request of the chairman, the supreme court may appoint a temporary replacement for any
60 commissioner who is unable to hear a case or who is disqualified from any case. No member
61 of the commission shall participate in any proceeding involving the county or circuit where the
62 member resides.

63 9. Members of the commission shall receive no compensation for their services but shall
64 be reimbursed out of funds appropriated for this purpose for their actual and necessary expenses
65 incurred in the performance of their duties.

66 10. The clerk of the supreme court shall provide suitable staff for the commission out
67 of any funds appropriated for this purpose. The commission may also employ court reporters
68 as necessary to take testimony at hearings held pursuant to section 50.640, RSMo. The reporters
69 shall be compensated at a rate established by the commission out of any funds appropriated for
70 this purpose.

478.387. There shall be twenty-four circuit judges in the twenty-second judicial circuit
2 consisting of the city of St. Louis. **After the effective date of this section, the number of**
3 **circuit judges in the twenty-second judicial circuit shall be reduced by six circuit judges.**
4 **Such reduction shall be the first six vacancies or the first six completions of the current**
5 **terms of circuit judges occurring on or after the effective date of this section, or any**
6 **combination thereof, until the number of circuit judges is reduced by six.**

478.437. 1. The circuit court of the county of St. Louis, comprising circuit number
2 twenty-one, shall be composed of nineteen divisions and nineteen judges and each of the judges
3 shall separately try causes, exercise the powers and perform all the duties imposed upon circuit
4 judges.

5 **2. Beginning October 1, 2008, there shall be two additional associate circuit judges**
6 **in the twenty-first judicial circuit.**

478.463. 1. There shall be nineteen circuit judges in the sixteenth judicial circuit
2 consisting of the county of Jackson. These judges shall sit in nineteen divisions. Divisions one,
3 three, four, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen and eighteen
4 shall sit at the city of Kansas City and divisions two, five, sixteen and seventeen shall sit at the
5 city of Independence. Division nineteen shall sit at both the city of Kansas City and the city of
6 Independence. Notwithstanding the foregoing provisions, the judge of the probate division shall
7 sit at both the city of Kansas City and the city of Independence.

8 **2. Beginning October 1, 2008, there shall be one additional associate circuit judge**
9 **in the sixteenth judicial circuit. The additional associate circuit judge shall sit in the city**
10 **of Independence.**

478.466. 1. In the sixteenth judicial circuit consisting of the county of Jackson, a majority of the court en banc may appoint one person, who shall possess the same qualifications as an associate circuit judge, to act as drug court commissioner. The commissioner shall be appointed for a term of four years. The compensation **and the retirement benefits** of the commissioner shall be the same as that of an associate circuit judge and[, subject to appropriation from the county legislature of the county wherein such circuit is wholly located, reimbursed from proceeds from the county antidrug sales tax adopted pursuant to section 67.547, RSMo. The county wherein such circuit is wholly located shall pay to and reimburse the state for the actual costs of the salary and benefits of the drug commissioner appointed pursuant to this section] **paid out of the same source as the compensation of all other drug court commissioners in the state.** The retirement benefits of such commissioner shall be the same as those of an associate circuit judge, payable in the same manner and from the same source as those of an associate circuit judge. Subject to approval or rejection by a circuit judge, the commissioner shall have all the powers and duties of a circuit **court** judge. A circuit **court** judge shall by order of record reject or confirm any order, judgment and decree of the commissioner within the time the judge could set aside such order, judgment or decree had the same been made by him. If so confirmed, the order, judgment or decree shall have the same effect as if made by the judge on the date of its confirmation.

2. The court administrator of the sixteenth judicial circuit shall charge and collect a surcharge of thirty dollars in all proceedings assigned to the drug commissioner for disposition, provided that the surcharge shall not be charged in any proceeding when costs are waived or are to be paid by the state, county or municipality. Moneys obtained from such surcharge shall be collected and disbursed in the manner provided by sections 488.010 to 488.020, RSMo, and payable to the drug commissioner for operation of the drug court.

478.513. 1. There shall be five circuit judges in the thirty-first judicial circuit consisting of the county of Greene. These judges shall sit in divisions numbered one, two, three, four and five.

2. The circuit judge in division three shall be elected in 1980. The circuit judges in divisions one, four and five shall be elected in 1982. The circuit judge in division two shall be elected in 1984.

3. Beginning October 1, 2008, there shall be two additional associate circuit judges in the thirty-first judicial circuit. These associate circuit judges shall be appointed by the governor to serve until the election of such associate circuit judges in 2010.

478.750. [1. As of January 1, 1983,] There shall be two circuit judges in the forty-third judicial circuit consisting of the counties of Clinton, Caldwell, Daviess, Livingston, and DeKalb.

3 [These judges shall sit in divisions numbered one and two.] **After the effective date of this**
4 **section, the number of circuit judges in the forty-third judicial circuit shall be reduced by**
5 **one circuit judge. Such reduction shall be the first vacancy or completion of a current**
6 **term of a circuit judge occurring on or after the effective date of this section.**

7 2. [A circuit judge shall be elected for each division in 1982. Candidates for the office
8 of circuit judge shall file by division.]

478.755. Beginning October 1, 2008, there shall be one additional associate circuit
2 **judge in the thirty-ninth judicial circuit. Such associate circuit judge shall be appointed**
3 **by the governor to serve until the election of such associate circuit judge in 2010.**

478.760. Beginning October 1, 2008, there shall be one additional associate circuit
2 **judge in the fortieth judicial circuit. Such associate circuit judge shall be appointed by the**
3 **governor to serve until the election of such associate circuit judge in 2010.**

479.260. 1. Municipalities by ordinance may provide for fees in an amount per case to
2 be set pursuant to sections 488.010 to 488.020, RSMo, for each municipal ordinance violation
3 case filed before a municipal judge, and in the event a defendant pleads guilty or is found guilty,
4 the judge may assess costs against the defendant except in those cases where the defendant is
5 found by the judge to be indigent and unable to pay the costs. **In the event the case is**
6 **dismissed before the defendant pleads guilty or is found guilty, the municipal judge may**
7 **assess municipal court costs as determined by section 488.012, RSMo, against the**
8 **defendant if the defendant consents to paying the costs except in those cases where the**
9 **defendant is found by the judge to be indigent and unable to pay the costs.** The fees
10 authorized in this subsection are in addition to service charges, witness fees and jail costs that
11 may otherwise be authorized to be assessed, but are in lieu of other court costs. The fees
12 provided by this subsection shall be collected by the municipal division clerk in municipalities
13 electing or required to have violations of municipal ordinances tried before a municipal judge
14 pursuant to section 479.020, or to employ judicial personnel pursuant to section 479.060, and
15 disbursed as provided in subsection 1 of section 479.080. Any other court costs required in
16 connection with such cases shall be collected and disbursed as provided in sections 488.010 to
17 488.020, RSMo; provided that, each municipal court may establish a judicial education fund in
18 an account under the control of the municipal court to retain one dollar of the fees collected on
19 each case and to use the fund only to pay for:

20 (1) The continuing education and certification required of the municipal judges by law
21 or supreme court rule; and

22 (2) Judicial education and training for the court administrator and clerks of the municipal
23 court.

24 Provided further, that no municipal court shall retain more than one thousand five hundred
25 dollars in the fund for each judge, administrator or clerk of the municipal court. Any excess
26 funds shall be transmitted quarterly to the general revenue fund of the county or municipal
27 treasury.

28 2. In municipal ordinance violation cases which are filed in the associate circuit division
29 of the circuit court, fees shall be assessed in each case in an amount to be set pursuant to sections
30 488.010 to 488.020, RSMo. In the event a defendant pleads guilty or is found guilty, the judge
31 shall assess costs against the defendant except in those cases where the defendant is found by
32 the judge to be indigent and unable to pay the costs. In the event a defendant is acquitted or the
33 case is dismissed, the judge shall not assess costs against the municipality. The costs authorized
34 in this subsection are in addition to service charges, witness fees and jail costs that may
35 otherwise be authorized to be assessed, but are in lieu of other court costs. The costs provided
36 by this subsection shall be collected by the municipal division clerk in municipalities electing
37 or required to have violations of municipal ordinances tried before a municipal judge pursuant
38 to section 479.020, or to employ judicial personnel pursuant to section 479.060, and disbursed
39 as provided in subsection 2 of section 479.080. Any other court costs required in connection
40 with such cases shall be collected and disbursed as provided in sections 488.010 to 488.020,
41 RSMo.

42 3. A municipality, when filing cases before an associate circuit judge, shall not be
43 required to pay fees.

44 4. No fees for a judge, city attorney or prosecutor shall be assessed as costs in a
45 municipal ordinance violation case.

46 5. In municipal ordinance violation cases, when there is an application for a trial de
47 novo, there shall be an additional fee in an amount to be set pursuant to sections 488.010 to
48 488.020, RSMo, which shall be assessed in the same manner as provided in subsection 2 of this
49 section.

50 6. Municipalities by ordinance may provide for a schedule of costs to be paid in
51 connection with pleas of guilty which are processed in a traffic violations bureau. If a
52 municipality files its municipal ordinance violation cases before a municipal judge, such costs
53 shall not exceed the court costs authorized by subsection 1 of this section. If a municipality files
54 its municipal ordinance violations cases in the associate circuit division of the circuit court, such
55 costs shall not exceed the court costs authorized by subsection 2 of this section.

488.012. 1. Beginning July 1, 1997, the clerk of each court of this state responsible for
2 collecting court costs shall collect the court costs authorized by statute, in such amounts as are
3 authorized by supreme court rule adopted pursuant to sections 488.010 to 488.020. Court costs
4 due and payable prior to July 1, 1997, shall not be affected by the adoption of this rule.

5 2. The supreme court shall set the amount of court costs authorized by statute, at levels
6 to produce revenue which shall not substantially exceed the total of the proportion of the costs
7 associated with administration of the judicial system defrayed by fees, miscellaneous charges
8 and surcharges.

9 3. Prior to adjustment by the supreme court, the following fees, costs and charges shall
10 be collected:

11 (1) Five dollars for the filing of a lien, pursuant to section 429.090, RSMo;

12 (2) Ten dollars for maintaining child support enforcement records, pursuant to section
13 452.345, RSMo;

14 (3) Ten dollars for a notice to a judgment creditor of a distributee, pursuant to section
15 473.618, RSMo;

16 (4) Three dollars for receiving and keeping a will, pursuant to section 474.510, RSMo;

17 (5) Seven dollars for the statewide court automation fund, pursuant to section 476.053,
18 RSMo;

19 (6) Twelve dollars for municipal court costs, fifteen dollars for municipal ordinance
20 violations filed before an associate circuit judge and thirty dollars for applications for a trial de
21 novo of a municipal ordinance violation, pursuant to section 479.260, RSMo;

22 (7) Five dollars for small claims court cases where less than one hundred dollars is in
23 dispute, and ten dollars in all other small claims court cases, pursuant to section 482.345, RSMo;

24 (8) Fifty dollars for appeals, pursuant to section 483.500, RSMo;

25 (9) Fifteen dollars in misdemeanor cases where there is no application for trial de novo,
26 pursuant to section 483.530, RSMo;

27 (10) Forty-five dollars for applications for a trial de novo for misdemeanor cases,
28 pursuant to section 483.530, RSMo;

29 (11) Fifteen dollars for each preliminary hearing in felony cases, pursuant to section
30 483.530, RSMo;

31 (12) Thirty dollars for each information or indictment filed in felony cases, pursuant to
32 section 483.530, RSMo;

33 (13) Fifteen dollars for each associate circuit court case filed, and one dollar for each
34 additional summons issued in such cases, pursuant to section 483.530, RSMo;

35 (14) Forty-five dollars for applications for trial de novo from small claims court and
36 associate circuit court and forty-five dollars for filing of other cases, pursuant to section 483.530,
37 RSMo;

38 (15) One dollar and fifty cents for a certificate of naturalization, pursuant to section
39 483.535, RSMo;

- 40 (16) When letters are applied for in probate proceedings, pursuant to section 483.580,
41 RSMo, when the value of the estate is:
- | | |
|------------------------------------------|---------|
| 42 (a) Less than \$10,000. | \$75.00 |
| 43 (b) From \$10,000 to \$25,000. | 115.00 |
| 44 (c) From \$25,000 to \$50,000. | 155.00 |
| 45 (d) From \$50,000 to \$100,000. | 245.00 |
| 46 (e) From \$100,000 to \$500,000. | 305.00 |
| 47 (f) More than \$500,000. | 365.00; |
- 48 (17) Thirty dollars for each additional twelve months a decedent's estate remains open,
49 pursuant to section 483.580, RSMo;
- 50 (18) In proceedings regarding guardianships and conservatorships, pursuant to section
51 483.580, RSMo:
- 52 (a) Twenty-five dollars for each grant of letters for guardianship of a minor;
53 (b) Fifty dollars for each grant of letters for guardianship of an incapacitated person;
54 (c) Sixty dollars for each grant of letters for guardianship of the person and
55 conservatorship of the estate of a minor;
56 (d) Twenty-five dollars for each additional twelve months a conservatorship of a minor's
57 estate case remains open;
58 (e) Seventy-five dollars for each grant of letters in guardianship and conservatorship of
59 incapacitated persons and their estates;
60 (f) Thirty dollars for each additional twelve months an incapacitated person's case
61 remains open;
- 62 (19) Fifteen dollars for issuing orders refusing to grant letters to a spouse or an
63 unmarried minor child and thirty dollars for a certified copy of such orders, pursuant to section
64 483.580, RSMo;
- 65 (20) In probate proceedings, pursuant to section 483.580, RSMo:
- 66 (a) Thirty-five dollars for the collection of small estates;
67 (b) Thirty-five dollars for involuntary hospitalization proceedings;
68 (c) Thirty dollars for proceedings to determine heirship;
69 (d) Fifteen dollars for assessment of estate taxes where no letters are granted;
70 (e) Fifty dollars for proceedings for the sale of real estate by a nonresident conservator;
71 (f) Forty dollars for proceedings to dispense with administration;
72 (g) Twenty dollars for proceedings to dispense with conservatorship;
73 (h) Twenty-five dollars for admitting a will to probate;
74 (i) One dollar per copied page and one dollar and fifty cents per certificate;

75 (21) One dollar and fifty cents per page for testimony transcription, pursuant to section
76 485.100, RSMo;

77 (22) Fifteen dollars for court reporters, pursuant to section 485.120, RSMo;

78 (23) Three dollars for witness fees per day, and four dollars when the witness must travel
79 to another county, pursuant to section 491.280, RSMo;

80 (24) Four dollars for the circuit clerk's record preservation fund, under section
81 488.033. The provisions of this subdivision shall sunset six years after its effective date.

488.033. 1. In addition to all other court costs provided by law, in all civil cases
2 filed in the circuit courts of this state and in all criminal cases, including violations of any
3 municipal or county ordinance heard by an associate circuit judge, or any violation of
4 criminal traffic laws of this state, including an infraction, a fee in an amount to be
5 determined under sections 488.010 to 488.020 shall be assessed as costs, except that, no
6 such fee shall be collected in any proceeding involving a violation of an ordinance or state
7 law when a criminal proceeding or defendant has been dismissed by the court or when
8 costs are waived or are paid by the state, county, or municipality.

9 2. The moneys collected by the clerks of the court under the provisions of this
10 section shall be retained by the circuit clerk and deposited in a circuit clerk fund to be used
11 for record storage, microfilming, preservation, and public access of circuit court records,
12 including anything necessarily pertaining thereto. The circuit clerk's record preservation
13 fund shall be budgeted and expended by the circuit clerk and shall not be used to substitute
14 for or subsidize any allocation of general revenue for the operation of the circuit clerk's
15 office without the express consent of the circuit clerk. The circuit clerk's record
16 preservation fund may be audited by the appropriate auditing agency, and any
17 unexpended dollars shall be left in the fund to accumulate from year to year with interest.

18 3. The assessment of court costs authorized by this section shall apply to all cases
19 filed on or after September 1, 2008.

20 4. The provision of this section shall sunset six years after its effective date.

488.429. 1. Moneys collected pursuant to section 488.426 shall be payable to the judges
2 of the circuit court, en banc, of the county from which such surcharges were collected, or to such
3 person as is designated by local circuit court rule as treasurer of said fund, and said fund shall
4 be applied and expended under the direction and order of the judges of the circuit court, en banc,
5 of any such county for the maintenance and upkeep of the law library maintained by the bar
6 association in any such county, or such other law library in any such county as may be
7 designated by the judges of the circuit court, en banc, of any such county; provided, that the
8 judges of the circuit court, en banc, of any such county, and the officers of all courts of record

9 of any such county, shall be entitled at all reasonable times to use the library to the support of
10 which said funds are applied.

11 2. In addition, such fund may also be applied and expended for that county's or circuit's
12 family services and justice fund.

13 3. In any county, other than a county on the nonpartisan court plan, such fund may also
14 be applied and expended for courtroom renovation and technology enhancement, **courthouse**
15 **security**, or for debt service on county bonds for such renovation or enhancement projects.

488.435. 1. Sheriffs shall receive a charge, as provided in section 57.280, RSMo, for
2 service of any summons, writ or other order of court, in connection with any civil case, and
3 making on the same either a return indicating service, a non est return or a nulla bona return, the
4 sum of twenty dollars for each item to be served, as provided in section 57.280, RSMo, except
5 that a sheriff shall receive a charge for service of any subpoena, and making a return on the
6 same, the sum of ten dollars, as provided in section 57.280, RSMo; however, no such charge
7 shall be collected in any proceeding when court costs are to be paid by the state, county or
8 municipality. In addition to such charge, the sheriff shall be entitled, as provided in section
9 57.280, RSMo, to receive for each mile actually traveled in serving any summons, writ,
10 subpoena or other order of court, the rate prescribed by the Internal Revenue Service for all
11 allowable expenses for motor vehicle use expressed as an amount per mile, provided that such
12 mileage shall not be charged for more than one subpoena or summons or other writ served in the
13 same cause on the same trip. All of such charges shall be received by the sheriff who is
14 requested to perform the service. Except as otherwise provided by law, all charges made
15 pursuant to section 57.280, RSMo, shall be collected by the court clerk as court costs and are
16 payable prior to the time the service is rendered; provided that if the amount of such charge
17 cannot be readily determined, then the sheriff shall receive a deposit based upon the likely
18 amount of such charge, and the balance of such charge shall be payable immediately upon
19 ascertainment of the proper amount of such charge. A sheriff may refuse to perform any service
20 in any action or proceeding, other than when court costs are waived as provided by law, until
21 the charge provided by this section is paid. Failure to receive the charge shall not affect the
22 validity of the service.

23 2. The sheriff shall, as provided in section 57.280, RSMo, receive for receiving and
24 paying moneys on execution or other process, where lands or goods have been levied and
25 advertised and sold, five percent on five hundred dollars and four percent on all sums above five
26 hundred dollars, and half of these sums, when the money is paid to the sheriff without a levy,
27 or where the lands or goods levied on shall not be sold and the money is paid to the sheriff or
28 person entitled thereto, his or her agent or attorney. The party at whose application any writ,
29 execution, subpoena or other process has issued from the court shall pay the sheriff's costs, as

30 provided in section 57.280, RSMo, for the removal, transportation, storage, safekeeping and
31 support of any property to be seized pursuant to legal process before such seizure. The sheriff
32 shall be allowed for each mile, as provided in section 57.280, RSMo, going and returning from
33 the courthouse of the county in which he or she resides to the place where the court is held, the
34 rate prescribed by the Internal Revenue Service for all allowable expenses for motor vehicle use
35 expressed as an amount per mile. The provisions of this subsection shall not apply to
36 garnishment proceeds.

37 **3. As provided in subsection 4 of section 57.280, RSMo, the sheriff shall receive ten**
38 **dollars for service of any summons, writ, subpoena, or other order of the court included**
39 **under subsection 1 of section 57.280, RSMo, in addition to the charge for such service that**
40 **each sheriff receives under subsection 1 of section 57.280, RSMo. The money received by**
41 **the sheriff under subsection 4 of section 57.280, RSMo, shall be paid into the county**
42 **treasury and the county treasurer shall make such money payable to the state treasurer.**
43 **The state treasurer shall deposit such moneys in the deputy sheriff salary supplementation**
44 **fund created under section 57.278, RSMo.**

488.5025. 1. In addition to any other assessment authorized by law, a court may assess
2 a fee of twenty-five dollars on each person who pays a court-ordered judgment, penalty, fine,
3 sanction, or court costs on a time- payment basis, including restitution and juvenile monetary
4 assessments. A time-payment basis shall be any judgment, penalty, fine, sanction, or court cost
5 not paid, in full, within thirty days of the date the court imposed the judgment, penalty fine,
6 sanction, or court cost. Imposition of the time-payment fee shall be in addition to any other
7 enforcement provisions authorized by law.

8 2. Ten dollars of the time-payment fee collected pursuant to this section shall be payable
9 to the clerk of the court of the county, **or clerk of the court of the municipality**, from which
10 such fee was collected, or to such person as is designated by local circuit court rule as treasurer
11 of said fund, and said fund shall be applied and expended under the direction and order of the
12 court en banc of any such county to be utilized by the court **where such fine is collected** to
13 improve, maintain, and enhance the ability to collect and manage moneys assessed or received
14 by the courts, to improve case processing, enhance court security, preservation of the record, or
15 to improve the administration of justice. Eight dollars of the time-payment fee shall be
16 deposited in the statewide court automation fund pursuant to section 476.055, RSMo. Seven
17 dollars of the time-payment fee shall be paid to the director of revenue, to be deposited to the
18 general revenue fund.

494.430. 1. Upon timely application to the court, the following persons shall be excused
2 from service as a petit or grand juror:

3 (1) Any person who has served on a state or federal petit or grand jury within the
4 preceding two years;

5 (2) Any person whose absence from his or her regular place of employment would, in
6 the judgment of the court, tend materially and adversely to affect the public safety, health,
7 welfare or interest;

8 (3) Any person upon whom service as a juror would in the judgment of the court impose
9 an undue or extreme physical or financial hardship;

10 (4) [Any person licensed as a health care provider as such term is defined in section
11 538.205, RSMo, but only if such person provides a written statement to the court certifying that
12 he or she is actually providing health care services to patients, and that the person's service as
13 a juror would be detrimental to the health of the person's patients;

14 (5)] Any employee of a religious institution whose religious obligations or constraints
15 prohibit their serving on a jury. The certification of the employment and obligation or constraint
16 may be provided by the employee's religious supervisor.

17 **2. Upon timely application to the court, the court may, in its discretion, excuse from**
18 **service as a petit or grand juror any person licensed as a health care provider, as defined**
19 **in section 538.205, RSMo, but only if such person provides a written statement to the court**
20 **certifying that he or she is actually providing health care services to patients, and that the**
21 **person's service as a juror would be detrimental to the health of the person's patients.**

22 **3.** A judge of the court for which the individual was called to jury service shall make
23 undue or extreme physical or financial hardship determinations. The authority to make these
24 determinations is delegable only to court officials or personnel who are authorized by the laws
25 of this state to function as members of the judiciary.

26 [3.] **4.** A person asking to be excused based on a finding of undue or extreme physical
27 or financial hardship must take all actions necessary to have obtained a ruling on that request by
28 no later than the date on which the individual is scheduled to appear for jury duty.

29 [4.] **5.** Unless it is apparent to the court that the physical hardship would significantly
30 impair the person's ability to serve as a juror, for purposes of sections 494.400 to 494.460 undue
31 or extreme physical or financial hardship is limited to circumstances in which an individual
32 would:

33 (1) Be required to abandon a person under his or her personal care or supervision due
34 to the impossibility of obtaining an appropriate substitute caregiver during the period of
35 participation in the jury pool or on the jury; or

36 (2) Incur costs that would have a substantial adverse impact on the payment of the
37 individual's necessary daily living expenses or on those for whom he or she provides the
38 principal means of support; or

39 (3) Suffer physical hardship that would result in illness or disease.

40 [5.] 6. Undue or extreme physical or financial hardship does not exist solely based on
41 the fact that a prospective juror will be required to be absent from his or her place of
42 employment.

43 [6.] 7. A person asking a judge to grant an excuse based on undue or extreme physical
44 or financial hardship shall provide the judge with documentation as required by the judge, such
45 as, but not limited to, federal and state income tax returns, medical statements from licensed
46 physicians, proof of dependency or guardianship, and similar documents, which the judge finds
47 to clearly support the request to be excused. Failure to provide satisfactory documentation shall
48 result in a denial of the request to be excused. Such documents shall be filed under seal.

49 [7.] 8. After two years, a person excused from jury service shall become eligible once
50 again for qualification as a juror unless the person was excused from service permanently. A
51 person is excused from jury service permanently only when the deciding judge determines that
52 the underlying grounds for being excused are of a permanent nature.

514.040. 1. Except as provided in subsection 3 of this section, if any court shall, before
2 or after the commencement of any suit pending before it, be satisfied that the plaintiff is a poor
3 person, and unable to prosecute his or her suit, and pay all or any portion of the costs and
4 expenses thereof, such court may, in its discretion, permit him or her to commence and prosecute
5 his or her action as a poor person, and thereupon such poor person shall have all necessary
6 process and proceedings as in other cases, without fees, tax or charge as the court determines the
7 person cannot pay; and the court may assign to such person counsel, who, as well as all other
8 officers of the court, shall perform their duties in such suit without fee or reward as the court
9 may excuse; but if judgment is entered for the plaintiff, costs shall be recovered, which shall be
10 collected for the use of the officers of the court.

11 2. In any civil action brought in a court of this state by any offender convicted of a crime
12 who is confined in any state prison or correctional center, the court shall not reduce the amount
13 required as security for costs upon filing such suit to an amount of less than ten dollars pursuant
14 to this section. This subsection shall not apply to any action for which no sum as security for
15 costs is required to be paid upon filing such suit.

16 3. Where a party is represented in a civil action by:

17 (1) A legal aid society or a legal services or other nonprofit organization funded in
18 whole or substantial part by moneys appropriated by the general assembly of the state of

19 Missouri, which has as its primary purpose the furnishing of legal services to indigent persons,
20 or by private counsel working on behalf of or under the auspices of such society[,] ; or

21 **(2) A legal aid clinic approved by a law school approved by the American Bar**
22 **Association, or a nonprofit legal assistance program affiliated with such clinic, that utilizes**
23 **the services of law students licensed to provide legal services to indigent persons under**
24 **Missouri supreme court rule 13.01, et seq.**

25

26 All costs and expenses related to the prosecution of the suit may be waived without the necessity
27 of a motion and court approval, provided that a determination has been made by such society
28 [or] , organization, **or clinic** that such party is unable to pay the costs, fees and expenses
29 necessary to prosecute or defend the action, and that a certification that such determination has
30 been made is filed with the clerk of the court.

517.041. 1. The process in all cases shall be a summons with a copy of the petition of
2 the plaintiff attached, directed to the sheriff or other proper person for service on the defendant.
3 The summons shall command the defendant to appear before the court on a date and time, not
4 less than ten days nor more than [thirty] **forty-five** days from the date of service of the
5 summons. 2. If process is not timely served, the plaintiff may request further process be
6 issued to any defendant not timely served with the case being continued, or the plaintiff may
7 dismiss as to any such defendant and proceed with the case.

8 3. A petition filed which states a claim or claims that in the aggregate exceeds the
9 jurisdictional limit of the division shall be certified to presiding judge for assignment.

524.045. Parties may prosecute their claims and defenses without the assistance of
2 **an attorney. Corporations or unincorporated associations may enter their appearance and**
3 **be represented by a president or vice-president. Such representation shall not be deemed**
4 **the unauthorized practice of law.**

534.025. Parties may prosecute their claims and defenses without the assistance of
2 **an attorney. Corporations or unincorporated associations may enter their appearance and**
3 **be represented by a president or vice-president. Such representation shall not be deemed**
4 **the unauthorized practice of law.**

535.025. Parties may prosecute their claims and defenses without the assistance of
2 **an attorney. Corporations or unincorporated associations may enter their appearance and**
3 **be represented by a president or vice-president. Such representation shall not be deemed**
4 **the unauthorized practice of law.**

536.024. 1. When the general assembly authorizes any state agency to adopt
2 administrative rules or regulations, the granting of such rulemaking authority and the validity

3 of such rules and regulations is contingent upon the agency complying with the provisions of
4 this section in promulgating such rules after June 3, 1994.

5 2. Upon filing any proposed rule with the secretary of state, the filing agency shall
6 concurrently submit such proposed rule to the joint committee on administrative rules, which
7 may hold hearings upon any proposed rule or portion thereof at any time.

8 3. A final order of rulemaking shall not be filed with the secretary of state until thirty
9 days after such final order of rulemaking has been received by the committee. The committee
10 may hold one or more hearings upon such final order of rulemaking during the thirty-day period.

11 4. The committee may file with the secretary of state any comments or recommendations
12 that the committee has concerning a proposed or final order of rulemaking. Such comments
13 shall be published in the Missouri Register.

14 5. The committee may refer comments or recommendations concerning such rule to the
15 appropriations and budget committees of the house of representatives and the appropriations
16 committee of the senate for further action.

17 [6. The provisions of this section shall not apply to rules adopted by the labor and
18 industrial relations commission.]

536.037. 1. There is established a permanent joint committee of the general assembly
2 to be known as the "Committee on Administrative Rules", which shall be composed of five
3 members of the senate and five members of the house of representatives. The senate members
4 of the committee shall be appointed by the president pro tem of the senate and the house
5 members by the speaker of the house. The appointment of each member shall continue during
6 his term of office as a member of the general assembly unless sooner removed. No major party
7 shall be represented by more than three appointed members from either house.

8 2. The committee on administrative rules shall meet within ten days after its creation and
9 organize by selecting a chairman and a vice chairman, one of whom shall be a member of the
10 senate and one of whom shall be a member of the house of representatives. A majority of the
11 members constitutes a quorum. Meetings of the committee may be called at such time and place
12 as the chairman designates.

13 3. [The committee shall review all rules promulgated by any state agency after January
14 1, 1976, except rules promulgated by the labor and industrial labor relations commission. In its
15 review the committee may take such action as it deems necessary which may include holding
16 hearings.

17 4.] The members of the committee shall receive no compensation in addition to their
18 salary as members of the general assembly, but may receive their necessary expenses while
19 attending the meetings of the committee, to be paid out of the joint contingent fund.

537.055. In any action to recover damages arising out of the ownership, common maintenance, or operation of a motor vehicle, the fact that one of the parties was operating a motorcycle shall not, in and of itself, be considered evidence of comparative negligence.

537.528. 1. [Any action seeking money damages against a person for] **All conduct [or] , speech or other petitioning activities** undertaken or made **at or** in connection with a public hearing or public meeting, in a quasi-judicial proceeding before a tribunal or decision-making body of the state or any political subdivision of the state [is] **shall be immune from civil liability, regardless of intent or purpose and shall possess a qualified privilege against liability for slander or libel, where such conduct, speech, or other petitioning activity is aimed at procuring any governmental action, result, or outcome. Any action or claim seeking monetary damages against a person for such conduct, speech, or other petitioning activities shall be** subject to a special motion to dismiss, motion for judgment on the pleadings, or motion for summary judgment that shall be considered by the court on a priority or expedited basis to ensure the early consideration of the issues raised by the motion and to prevent the unnecessary expense of litigation. Upon the filing of any special motion described in this subsection, all discovery shall be suspended pending a decision on the motion by the court and the exhaustion of all appeals regarding the special motion.

2. [If the rights afforded by this section are raised as an affirmative defense and] **The court shall grant the special motion unless the responding party has shown by a preponderance of the evidence that the acts of the moving party are not immunized from liability. The court shall make its determination upon the facts contained in the pleadings and in any applicable affidavits.** If a court grants a motion to dismiss, a motion for judgment on the pleadings or a motion for summary judgment [filed within ninety days of the filing of the moving party's answer], the court shall award reasonable attorney fees and costs incurred by the moving party in defending the action, **including those incurred in connection with any appeal. Once a special motion is filed, the court shall maintain jurisdiction to award attorney fees and costs and damages in all instances, including voluntary dismissal of the action prior to a ruling on a special motion.** If the court finds that a special motion to dismiss or motion for summary judgment is frivolous or solely intended to cause unnecessary delay, the court shall award costs and reasonable attorney fees to the party prevailing on the motion.

3. Any party shall have the right to an expedited appeal from a trial court order on the special motions described in subsection 2 of this section or from a trial court's failure to rule on the motion on an expedited basis.

4. As used in this section, a "public meeting in a quasi-judicial proceeding" means and includes any meeting established and held by a state or local governmental entity, including

33 without limitations meetings or presentations before state, county, city, town or village councils,
34 planning commissions, review boards or commissions.

35 5. Nothing in this section limits or prohibits the exercise of a right or remedy of a party
36 granted pursuant to another constitutional, statutory, common law or administrative provision,
37 including civil actions for defamation.

38 6. If any provision of this section or the application of any provision of this section to
39 a person or circumstance is held invalid, the invalidity shall not affect other provisions or
40 applications of this section that can be given effect without the invalid provision or application,
41 and to this end the provisions of this section are severable.

42 7. The provisions of this section shall apply to all causes of actions.

43 **8. A moving party who prevails on a special motion filed under this section may**
44 **petition the court for actual and punitive damages for abuse of process and malicious**
45 **prosecution, either as part of the pending proceeding or in a separate action. The granting**
46 **of the special motion shall be prima facie evidence that abuse of process and malicious**
47 **prosecution has occurred.**

48 **9. The attorney general shall be permitted to intervene and assume the costs of**
49 **defending a suit which appears to be violating a Missouri citizen's speech that is immune**
50 **from civil liability as defined in this section. If the attorney general prevails on a special**
51 **motion filed under this section, the attorney general shall be entitled to the costs of**
52 **defending an action under this section.**

537.675. 1. As used in sections 537.675 [through] to 537.693, the following terms
2 mean:

3 (1) "Annual claims", that period of time commencing on the first day of January of every
4 year [after December 31, 2002,] and ending on the last day of that calendar year;

5 (2) "Commission", the labor and industrial relations commission;

6 (3) "Division", the division of workers' compensation;

7 (4) "Initial claims period", that period commencing on August 28, 2001, and ending on
8 December 31, 2002;

9 (5) "Punitive damage final judgment", an award for punitive damages excluding interest
10 that is no longer subject to review by courts of this state or of the United States;

11 (6) "Uncompensated tort victim", a person who:

12 (a) Is a party in a personal injury or wrongful death lawsuit; or is a tort victim whose
13 claim against the tort-feasor has been settled for the policy limits of insurance covering the
14 liability of such tort-feasor and such policy limits are inadequate in light of the nature and extent
15 of damages due to the personal injury or wrongful death;

- 16 (b) Unless described in paragraph (a) of this subdivision:
17 a. Has obtained a final monetary judgment in that lawsuit described in paragraph (a) of
18 this subdivision against a tort-feasor for personal injuries, or wrongful death in a case in which
19 all appeals are final;
20 b. Has exercised due diligence in enforcing the judgment; and
21 c. Has not collected the full amount of the judgment;
22 (c) Is not a corporation, company, partnership or other incorporated or unincorporated
23 commercial entity;
24 (d) Is not any entity claiming a right of subrogation;
25 (e) Was not on house arrest and was not confined in any federal, state, regional, county
26 or municipal jail, prison or other correctional facility at the time he or she sustained injury from
27 the tort-feasor;
28 (f) Has not pleaded guilty to or been found guilty of two or more felonies, where such
29 two or more felonies occurred within ten years of the occurrence of the tort in question, and
30 where either of such felonies involved a controlled substance or an act of violence; and
31 (g) Is a resident of the state of Missouri or sustained personal injury or death by a tort
32 which occurred in the state of Missouri.
- 33 2. There is created the "Tort Victims' Compensation Fund". Unexpended moneys in the
34 fund shall not lapse at the end of the biennium as provided in section 33.080, RSMo.
- 35 3. Any party receiving a judgment final for purposes of appeal for punitive damages in
36 any case filed in any division of any circuit court of the state of Missouri shall notify the attorney
37 general of the state of Missouri of such award, except for actions claiming improper health care
38 pursuant to chapter 538, RSMo. The state of Missouri shall have a lien for deposit into the tort
39 victims' compensation fund to the extent of fifty percent of the punitive damage final judgment
40 which shall attach in any such case after deducting attorney's fees and expenses. In each case,
41 the attorney general shall serve a lien notice by certified mail or registered mail upon the party
42 or parties against whom the state has a claim for collection of its share of a punitive damage final
43 judgment. On a petition filed by the state, the court, on written notice to all interested parties,
44 shall adjudicate the rights of the parties and enforce the lien. The lien shall not be satisfied out
45 of any recovery until the attorney's claim for fees and expenses is paid. The state can file its lien
46 in all cases where punitive damages are awarded upon the entry of the judgment final for
47 purposes of appeal. The state cannot enforce its lien until there is a punitive damage final
48 judgment. Cases resolved by arbitration, mediation or compromise settlement prior to a punitive
49 damage final judgment are exempt from the provisions of this section. Nothing in this section
50 shall hinder or in any way affect the right or ability of the parties to any claim or lawsuit to
51 compromise or settle such claim or litigation on any terms and at any time the parties desire.

52 4. The state of Missouri shall have no interest in or right to intervene at any stage of any
53 judicial proceeding pursuant to this section, except to enforce its lien rights as provided in
54 subsection 3 of this section.

55 5. [There is hereby established in the state treasury the "Legal Services for Low-Income
56 People Fund", which shall consist of twenty-six percent of all payments received into the tort
57 victims' compensation fund and all interest accruing on the principal, regardless of source or
58 designation including twenty-six percent of the money that upon August 28, 2001, is in the tort
59 victims' compensation fund. Moneys, funds or payments paid to the credit of the legal services
60 for low-income people fund shall, at least as often as annually, upon appropriation, be distributed
61 to the legal services organizations in Missouri which are recipients of federal Legal Services
62 Corporation funding and shall be used for no other purpose than as authorized pursuant to
63 sections 537.675 to 537.693. The funds so distributed shall be used by legal services
64 organizations in Missouri solely to provide legal services to its low-income population. Funds
65 shall be allocated according to the most recent official census data from the Bureau of Census,
66 United States Department of Commerce for people in poverty residing in Missouri.
67 Notwithstanding the provisions of section 33.080, RSMo, any balance remaining in the legal
68 services for low-income people fund at the end of any biennium shall not be transferred to
69 general revenue, but shall remain in the fund and be distributed in accordance with the
70 provisions of this section.] **Twenty-six percent of all payments deposited into the tort**
71 **victims' compensation fund, all interest accruing on the principal regardless of source or**
72 **designation, and any moneys remaining in the legal services for low-income people fund**
73 **as of August 28, 2008, shall be transferred to the basic civil legal services fund established**
74 **in section 477.650, RSMo.** Moneys in the tort victims' compensation fund shall not be used to
75 pay any portion of a refund mandated by article X, section 18 of the constitution.

559.115. 1. Neither probation nor parole shall be granted by the circuit court between
2 the time the transcript on appeal from the offender's conviction has been filed in appellate court
3 and the disposition of the appeal by such court.

4 2. Unless otherwise prohibited by subsection 5 of this section, a circuit court only upon
5 its own motion and not that of the state or the offender shall have the power to grant probation
6 to an offender anytime up to one hundred twenty days after such offender has been delivered to
7 the department of corrections but not thereafter. The court may request information and a
8 recommendation from the department concerning the offender and such offender's behavior
9 during the period of incarceration. Except as provided in this section, the court may place the
10 offender on probation in a program created pursuant to section 217.777, RSMo, or may place
11 the offender on probation with any other conditions authorized by law.

12 3. The court may recommend placement of an offender in a department of corrections
13 one hundred twenty-day program. Upon the recommendation of the court, the department of
14 corrections shall determine the offender's eligibility for the program, the nature, intensity, and
15 duration of any offender's participation in a program and the availability of space for an offender
16 in any program. When the court recommends and receives placement of an offender in a
17 department of corrections one hundred twenty-day program, the offender shall be released [on
18 probation] **for a term of probation for five years, under the supervision of the board of**
19 **probation and parole**, if the department of corrections determines that the offender has
20 successfully completed the program except as follows. Upon successful completion of a
21 treatment program, the board of probation and parole shall advise the sentencing court of an
22 offender's probationary release date thirty days prior to release. The court shall release the
23 offender unless such release constitutes an abuse of discretion. If the court determined that there
24 is an abuse of discretion, the court may order the execution of the offender's sentence only after
25 conducting a hearing on the matter within ninety to one hundred twenty days of the offender's
26 sentence. If the court does not respond when an offender successfully completes the program,
27 the offender shall be released [on probation] **for a term of probation for five years, under the**
28 **supervision of the board of probation and parole**. Upon successful completion of a shock
29 incarceration program, the board of probation and parole shall advise the sentencing court of an
30 offender's probationary release date thirty days prior to release. The court shall follow the
31 recommendation of the department unless the court determines that probation is not appropriate.
32 If the court determines that probation is not appropriate, the court may order the execution of
33 the offender's sentence only after conducting a hearing on the matter within ninety to one
34 hundred twenty days of the offender's sentence. If the department determines that an offender
35 is not successful in a program, then after one hundred days of incarceration the circuit court shall
36 receive from the department of corrections a report on the offender's participation in the program
37 and department recommendations for terms and conditions of an offender's probation. The court
38 shall then release the offender on probation or order the offender to remain in the department to
39 serve the sentence imposed.

40 4. If the department of corrections one hundred twenty-day program is full, the court
41 may place the offender in a private program approved by the department of corrections or the
42 court, the expenses of such program to be paid by the offender, or in an available program
43 offered by another organization. If the offender is convicted of a class C or class D nonviolent
44 felony, the court may order probation while awaiting appointment to treatment.

45 5. Except when the offender has been found to be a predatory sexual offender pursuant
46 to section 558.018, RSMo, the court shall request that the offender be placed in the sexual

47 offender assessment unit of the department of corrections if the defendant has pleaded guilty to
48 or has been found guilty of sexual abuse when classified as a class B felony.

49 6. Unless the offender is being granted probation pursuant to successful completion of
50 a one hundred twenty-day program the circuit court shall notify the state in writing when the
51 court intends to grant probation to the offender pursuant to the provisions of this section. The
52 state may, in writing, request a hearing within ten days of receipt of the court's notification that
53 the court intends to grant probation. Upon the state's request for a hearing, the court shall grant
54 a hearing as soon as reasonably possible. If the state does not respond to the court's notice in
55 writing within ten days, the court may proceed upon its own motion to grant probation.

56 7. An offender's first incarceration for one hundred twenty days for participation in a
57 department of corrections program prior to release on probation shall not be considered a
58 previous prison commitment for the purpose of determining a minimum prison term under the
59 provisions of section 558.019, RSMo.

60 8. Notwithstanding any other provision of law, probation may not be granted pursuant
61 to this section to offenders who have been convicted of murder in the second degree pursuant
62 to section 565.021, RSMo; forcible rape pursuant to section 566.030, RSMo; forcible sodomy
63 pursuant to section 566.060, RSMo; statutory rape in the first degree pursuant to section
64 566.032, RSMo; statutory sodomy in the first degree pursuant to section 566.062, RSMo; child
65 molestation in the first degree pursuant to section 566.067, RSMo, when classified as a class A
66 felony; abuse of a child pursuant to section 568.060, RSMo, when classified as a class A felony;
67 an offender who has been found to be a predatory sexual offender pursuant to section 558.018,
68 RSMo; or any offense in which there exists a statutory prohibition against either probation or
69 parole.

565.084. 1. A person commits the crime of tampering with a judicial officer if, with the
2 purpose to harass, intimidate or influence a judicial officer in the performance of such officer's
3 official duties, [he] **such person**:

4 (1) Threatens or causes harm to such judicial officer or members of such judicial
5 officer's family;

6 (2) Uses force, threats, or deception against or toward such judicial officer or members
7 of such judicial officer's family;

8 (3) Offers, conveys or agrees to convey any benefit direct or indirect upon such judicial
9 officer or such judicial officer's family;

10 (4) Engages in conduct reasonably calculated to harass or alarm such judicial officer or
11 such judicial officer's family, including stalking pursuant to section 565.225.

12 2. A judicial officer for purposes of this section shall be a judge, arbitrator, special
13 master, juvenile court commissioner, state probation or parole officer, **juvenile officer, deputy**
14 **juvenile officer** or referee.

15 3. A judicial officer's family for purposes of this section shall be:

16 (1) [His] **Such officer's** spouse; or

17 (2) [His] **Such officer** or [his] **such officer's** spouse's ancestor or descendant by blood
18 or adoption; or

19 (3) [His] **Such officer's** stepchild, while the marriage creating that relationship exists.

20 4. Tampering with a judicial officer is a class C felony.

566.226. 1. After August 28, 2007, any information contained in any court record,
2 whether written or [published on the Internet] **publicly accessible in electronic format**, that
3 could be used to identify or locate any victim **in civil or criminal proceedings** of sexual assault,
4 domestic assault, stalking, or [forcible rape] **any violation of this chapter or chapter 568,**
5 **RSMo**, shall be [closed and] redacted from such record prior to disclosure to the public.
6 Identifying information **of the victim** shall include the name, home or temporary address,
7 telephone number, Social Security number or physical characteristics **of the victim**.

8 2. **As required in subsection 1 of this section, after written request for information**
9 **contained in the court record, the court shall order the identifying information redacted**
10 **prior to being released.** If the court determines that a person or entity who is requesting
11 identifying information of a victim has a legitimate interest in obtaining such information, the
12 court may allow access to the information, but only if the court determines that disclosure to the
13 person or entity would not compromise the welfare or safety of such victim.

14 3. **The Missouri supreme court may approve procedural rules to implement the**
15 **provisions of this section.**

575.065. 1. A person commits the crime of obstruction of justice if such person,
2 with the intent to prevent the apprehension or obstruct the prosecution or defense of any
3 person, knowingly commits any of the following acts:

4 (1) Destroys, alters, conceals, or disguises physical evidence, plants false evidence,
5 furnishes false information; or

6 (2) Induces a witness having knowledge material to the subject at issue to leave the
7 state or conceal himself or herself; or

8 (3) Possessing knowledge material to the subject at issue he or she leaves the state
9 or conceals himself or herself.

10 2. Obstruction of justice in a misdemeanor case is a class A misdemeanor, in a
11 felony case it is a class D felony.

575.070. No person shall be convicted of a violation of sections 575.040, 575.050 [or]
2 , 575.060, or **575.065** based upon the making of a false statement except upon proof of the
3 falsity of the statement by:

- 4 (1) The direct evidence of two witnesses; or
- 5 (2) The direct evidence of one witness together with strongly corroborating
6 circumstances; or
- 7 (3) Demonstrative evidence which conclusively proves the falsity of the statement; or
- 8 (4) A directly contradictory statement by the defendant under oath together with
- 9 (a) The direct evidence of one witness; or
- 10 (b) Strongly corroborating circumstances; or
- 11 (5) A judicial admission by the defendant that he or she made the statement knowing
12 it was false. An admission, which is not a judicial admission, by the defendant that he or she
13 made the statement knowing it was false may constitute strongly corroborating circumstances.

595.045. 1. There is established in the state treasury the "Crime Victims' Compensation
2 Fund". A surcharge of seven dollars and fifty cents shall be assessed as costs in each court
3 proceeding filed in any court in the state in all criminal cases including violations of any county
4 ordinance or any violation of criminal or traffic laws of the state, including an infraction and
5 violation of a municipal ordinance; except that no such fee shall be collected in any proceeding
6 in any court when the proceeding or the defendant has been dismissed by the court or when costs
7 are to be paid by the state, county, or municipality. A surcharge of seven dollars and fifty cents
8 shall be assessed as costs in a juvenile court proceeding in which a child is found by the court
9 to come within the applicable provisions of subdivision (3) of subsection 1 of section 211.031,
10 RSMo.

11 2. Notwithstanding any other provision of law to the contrary, the moneys collected by
12 clerks of the courts pursuant to the provisions of subsection 1 of this section shall be collected
13 and disbursed in accordance with sections 488.010 to 488.020, RSMo, and shall be payable to
14 the director of the department of revenue.

15 3. The director of revenue shall deposit annually the amount of two hundred fifty
16 thousand dollars to the state forensic laboratory account administered by the department of
17 public safety to provide financial assistance to defray expenses of crime laboratories if such
18 analytical laboratories are registered with the federal Drug Enforcement Agency or the Missouri
19 department of health and senior services. Subject to appropriations made therefor, such funds
20 shall be distributed by the department of public safety to the crime laboratories serving the
21 courts of this state making analysis of a controlled substance or analysis of blood, breath or urine
22 in relation to a court proceeding.

23 **4. Notwithstanding any other provision of law to the contrary, money in the crime**
24 **victims' compensation fund may be deposited into the sexual offense forensic examination**
25 **compensation fund created under section 595.107.**

26 **5.** The remaining funds collected under subsection 1 of this section shall be denoted to
27 the payment of an annual appropriation for the administrative and operational costs of the office
28 for victims of crime and, if a statewide automated crime victim notification system is established
29 pursuant to section 650.310, RSMo, to the monthly payment of expenditures actually incurred
30 in the operation of such system. Additional remaining funds shall be subject to the following
31 provisions:

32 (1) On the first of every month, the director of revenue or the director's designee shall
33 determine the balance of the funds in the crime victims' compensation fund available to satisfy
34 the amount of compensation payable pursuant to sections 595.010 to 595.075, excluding sections
35 595.050 and 595.055;

36 (2) Beginning on September 1, 2004, and on the first of each month, the director of
37 revenue or the director's designee shall deposit fifty percent of the balance of funds available to
38 the credit of the crime victims' compensation fund and fifty percent to the services to victims'
39 fund established in section 595.100;

40 **(3) Subject to appropriations, the director of revenue or the director's designee**
41 **shall transfer money from the crime victims' compensation fund into the sexual offense**
42 **forensic examination compensation fund as created under section 595.107.**

43 [5.] **6.** The director of revenue or such director's designee shall at least monthly report
44 the moneys paid pursuant to this section into the crime victims' compensation fund and the
45 services to victims fund to the [division of workers' compensation and the] department of public
46 safety[, respectively].

47 [6.] **7.** The moneys collected by clerks of municipal courts pursuant to subsection 1 of
48 this section shall be collected and disbursed as provided by sections 488.010 to 488.020, RSMo.
49 Five percent of such moneys shall be payable to the city treasury of the city from which such
50 funds were collected. The remaining ninety-five percent of such moneys shall be payable to the
51 director of revenue. The funds received by the director of revenue pursuant to this subsection
52 shall be distributed as follows:

53 (1) On the first of every month, the director of revenue or the director's designee shall
54 determine the balance of the funds in the crime victims' compensation fund available to satisfy
55 the amount of compensation payable pursuant to sections 595.010 to 595.075, excluding sections
56 595.050 and 595.055;

57 (2) Beginning on September 1, 2004, and on the first of each month the director of
58 revenue or the director's designee shall deposit fifty percent of the balance of funds available to
59 the credit of the crime victims' compensation fund and fifty percent to the services to victims'
60 fund established in section 595.100;

61 **(3) Subject to appropriations, the director of revenue or the director's designee**
62 **shall transfer money from the crime victims' compensation fund into the sexual offense**
63 **forensic examination compensation fund as created under section 595.107.**

64 [7.] **8.** These funds shall be subject to a biennial audit by the Missouri state auditor.
65 Such audit shall include all records associated with crime victims' compensation funds collected,
66 held or disbursed by any state agency.

67 [8.] **9.** In addition to the moneys collected pursuant to subsection 1 of this section, the
68 court shall enter a judgment in favor of the state of Missouri, payable to the crime victims'
69 compensation fund, of sixty-eight dollars upon a plea of guilty or a finding of guilt for a class
70 A or B felony; forty-six dollars upon a plea of guilty or finding of guilt for a class C or D felony;
71 and ten dollars upon a plea of guilty or a finding of guilt for any misdemeanor under Missouri
72 law except for those in chapter 252, RSMo, relating to fish and game, chapter 302, RSMo,
73 relating to drivers' and commercial drivers' license, chapter 303, RSMo, relating to motor vehicle
74 financial responsibility, chapter 304, RSMo, relating to traffic regulations, chapter 306, RSMo,
75 relating to watercraft regulation and licensing, and chapter 307, RSMo, relating to vehicle
76 equipment regulations. Any clerk of the court receiving moneys pursuant to such judgments
77 shall collect and disburse such crime victims' compensation judgments in the manner provided
78 by sections 488.010 to 488.020, RSMo. Such funds shall be payable to the state treasury and
79 deposited to the credit of the crime victims' compensation fund.

80 [9.] **10.** The clerk of the court processing such funds shall maintain records of all
81 dispositions described in subsection 1 of this section and all dispositions where a judgment has
82 been entered against a defendant in favor of the state of Missouri in accordance with this section;
83 all payments made on judgments for alcohol-related traffic offenses; and any judgment or
84 portion of a judgment entered but not collected. These records shall be subject to audit by the
85 state auditor. The clerk of each court transmitting such funds shall report separately the amount
86 of dollars collected on judgments entered for alcohol-related traffic offenses from other crime
87 victims' compensation collections or services to victims collections.

88 [10.] **11.** The department of revenue shall maintain records of funds transmitted to the
89 crime victims' compensation fund by each reporting court and collections pursuant to subsection
90 16 of this section and shall maintain separate records of collection for alcohol-related offenses.

91 [11.] **12.** The state courts administrator shall include in the annual report required by

92 section 476.350, RSMo, the circuit court caseloads and the number of crime victims'
93 compensation judgments entered.

94 [12.] **13.** All awards made to injured victims under sections 595.010 to 595.105 and all
95 appropriations for administration of sections 595.010 to 595.105, except sections 595.050 and
96 595.055, shall be made from the crime victims' compensation fund. Any unexpended balance
97 remaining in the crime victims' compensation fund at the end of each biennium shall not be
98 subject to the provision of section 33.080, RSMo, requiring the transfer of such unexpended
99 balance to the ordinary revenue fund of the state, but shall remain in the crime victims'
100 compensation fund. In the event that there are insufficient funds in the crime victims'
101 compensation fund to pay all claims in full, all claims shall be paid on a pro rata basis. If there
102 are no funds in the crime victims' compensation fund, then no claim shall be paid until funds
103 have again accumulated in the crime victims' compensation fund. When sufficient funds become
104 available from the fund, awards which have not been paid shall be paid in chronological order
105 with the oldest paid first. In the event an award was to be paid in installments and some
106 remaining installments have not been paid due to a lack of funds, then when funds do become
107 available that award shall be paid in full. All such awards on which installments remain due
108 shall be paid in full in chronological order before any other postdated award shall be paid. Any
109 award pursuant to this subsection is specifically not a claim against the state, if it cannot be paid
110 due to a lack of funds in the crime victims' compensation fund.

111 [13.] **14.** When judgment is entered against a defendant as provided in this section and
112 such sum, or any part thereof, remains unpaid, there shall be withheld from any disbursement,
113 payment, benefit, compensation, salary, or other transfer of money from the state of Missouri
114 to such defendant an amount equal to the unpaid amount of such judgment. Such amount shall
115 be paid forthwith to the crime victims' compensation fund and satisfaction of such judgment
116 shall be entered on the court record. Under no circumstances shall the general revenue fund be
117 used to reimburse court costs or pay for such judgment. The director of the department of
118 corrections shall have the authority to pay into the crime victims' compensation fund from an
119 offender's compensation or account the amount owed by the offender to the crime victims'
120 compensation fund, provided that the offender has failed to pay the amount owed to the fund
121 prior to entering a correctional facility of the department of corrections.

122 [14.] **15.** All interest earned as a result of investing funds in the crime victims'
123 compensation fund shall be paid into the crime victims' compensation fund and not into the
124 general revenue of this state.

125 [15.] **16.** Any person who knowingly makes a fraudulent claim or false statement in
126 connection with any claim hereunder is guilty of a class A misdemeanor.

127 [16.] 17. Any gifts, contributions, grants or federal funds specifically given to the
128 [division] **department** for the benefit of victims of crime shall be credited to the crime victims'
129 compensation fund. Payment or expenditure of moneys in such funds shall comply with any
130 applicable federal crime victims' compensation laws, rules, regulations or other applicable
131 federal guidelines.

**595.107. 1. There is hereby created in the state treasury the "Sexual Offense
2 Forensic Examination Compensation Fund", which shall consist of funds from the crime
3 victims' compensation fund state general revenue fund. The state treasurer shall be the
4 custodian of the fund and may approve disbursements from the fund in accordance with
5 sections 30.170 and 30.180, RSMo. The department of public safety shall administer the
6 fund, which shall be used solely to make payments to appropriate medical providers to
7 cover the charges of the forensic examination of persons who may be a victim of a sexual
8 offense if:**

9 (1) The victim or the victim's guardian consents in writing to the examination, so
10 as to demonstrate cooperation with law enforcement authorities;

11 (2) The report of the examination is made on a form approved by the attorney
12 general with the advice of the department of health and senior services; and

13 (3) The report of the examination is filed with the prosecuting attorney of the
14 county in which the alleged incident occurred.
15

16 Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any moneys
17 remaining in the fund at the end of the biennium shall not revert to the credit of the
18 general revenue fund. The state treasurer shall invest moneys in the fund in the same
19 manner as other funds are invested. Any interest and moneys earned on such investments
20 shall be credited to the fund.

21 2. Federal funds may also be used to make payments to appropriate medical
22 providers to cover the charges of the forensic examinations described under subsection 1
23 of this section.

24 3. The department of public safety shall promulgate rules and regulations
25 establishing which procedures performed by appropriate medical providers shall qualify
26 for coverage under the sexual offense forensic examination compensation fund and
27 establishing the reimbursement rates for such procedures. The checklists for appropriate
28 medical providers under section 191.225, RSMo, shall be used and considered when
29 promulgating the rules and regulations. Any rule or portion of a rule, as that term is
30 defined in section 536.010, RSMo, that is created under the authority delegated in this

31 section shall become effective only if it complies with and is subject to all of the provisions
32 of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter
33 536, RSMo, are nonseverable and if any of the powers vested with the general assembly
34 pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and
35 annul a rule are subsequently held unconstitutional, then the grant of rulemaking
36 authority and any rule proposed or adopted after August 28, 2008, shall be invalid and
37 void.

38 4. For the purposes of this section, the following terms shall mean:

39 (1) "Appropriate medical provider", any licensed nurse, physician, or physician
40 assistant, and any institution employing licensed nurses, physicians, or physician
41 assistants; provided that such licensed professionals are the only persons at such institution
42 to perform tasks under the provisions of this section;

43 (2) "Evidentiary collection kit", a kit used during a forensic examination that
44 includes materials necessary for appropriate medical providers to gather evidence in
45 accordance with the forms and procedures developed by the attorney general for forensic
46 examinations;

47 (3) "Forensic examination", an examination performed by an appropriate medical
48 provider on a victim of an alleged offense included under chapter 566, RSMo, to gather
49 and collect evidence;

50 (4) "Medical treatment", the treatment of all injuries and health concerns resulting
51 directly from a patient's sexual assault or victimization.

610.010. As used in this chapter, unless the context otherwise indicates, the following
2 terms mean:

3 (1) "Closed meeting", "closed record", or "closed vote", any meeting, record or vote
4 closed to the public;

5 (2) "Copying", if requested by a member of the public, copies provided as detailed in
6 section 610.026, if duplication equipment is available;

7 (3) "Public business", all matters which relate in any way to the performance of the
8 public governmental body's functions or the conduct of its business;

9 (4) "Public governmental body", any legislative, administrative or governmental entity
10 created by the constitution or statutes of this state, by order or ordinance of any political
11 subdivision or district, judicial entities when operating in an administrative capacity, or by
12 executive order, including:

13 (a) Any body, agency, board, bureau, council, commission, committee, board of regents
14 or board of curators or any other governing body of any institution of higher education,

15 including a community college, which is supported in whole or in part from state funds,
16 including but not limited to the administrative entity known as "The Curators of the University
17 of Missouri" as established by section 172.020, RSMo;

18 (b) Any advisory committee or commission appointed by the governor by executive
19 order;

20 (c) Any department or division of the state, of any political subdivision of the state, of
21 any county or of any municipal government, school district or special purpose district including
22 but not limited to sewer districts, water districts, and other subdistricts of any political
23 subdivision;

24 (d) Any other legislative or administrative governmental deliberative body under the
25 direction of three or more elected or appointed members having rulemaking or quasi-judicial
26 power;

27 (e) Any committee appointed by or at the direction of any of the entities and which is
28 authorized to report to any of the above-named entities, any advisory committee appointed by
29 or at the direction of any of the named entities for the specific purpose of recommending,
30 directly to the public governmental body's governing board or its chief administrative officer,
31 policy or policy revisions or expenditures of public funds including, but not limited to, entities
32 created to advise bi-state taxing districts regarding the expenditure of public funds, or any policy
33 advisory body, policy advisory committee or policy advisory group appointed by a president,
34 chancellor or chief executive officer of any college or university system or individual institution
35 at the direction of the governing body of such institution which is supported in whole or in part
36 with state funds for the specific purpose of recommending directly to the public governmental
37 body's governing board or the president, chancellor or chief executive officer policy, policy
38 revisions or expenditures of public funds provided, however, the staff of the college or university
39 president, chancellor or chief executive officer shall not constitute such a policy advisory
40 committee. The custodian of the records of any public governmental body shall maintain a list
41 of the policy advisory committees described in this subdivision;

42 (f) Any quasi-public governmental body. The term "quasi-public governmental body"
43 means any person, corporation or partnership organized or authorized to do business in this state
44 pursuant to the provisions of chapter 352, 353, or 355, RSMo, or unincorporated association
45 which either:

46 a. Has as its primary purpose to enter into contracts with public governmental bodies,
47 or to engage primarily in activities carried out pursuant to an agreement or agreements with
48 public governmental bodies; or

49 b. Performs a public function as evidenced by a statutorily based capacity to confer or
50 otherwise advance, through approval, recommendation or other means, the allocation or issuance

51 of tax credits, tax abatement, public debt, tax-exempt debt, rights of eminent domain, or the
52 contracting of leaseback agreements on structures whose annualized payments commit public
53 tax revenues; or any association that directly accepts the appropriation of money from a public
54 governmental body, but only to the extent that a meeting, record, or vote relates to such
55 appropriation; and

56 (g) Any bi-state development agency established pursuant to section 70.370, RSMo;

57 (5) "Public meeting", any meeting of a public governmental body subject to sections
58 610.010 to 610.030 at which any public business is discussed, decided, or public policy
59 formulated, whether such meeting is conducted in person or by means of communication
60 equipment, including, but not limited to, conference call, video conference, Internet chat, or
61 Internet message board. The term "public meeting" shall not include an informal gathering of
62 members of a public governmental body for ministerial or social purposes when there is no
63 intent to avoid the purposes of this chapter, but the term shall include a public vote of all or a
64 majority of the members of a public governmental body, by electronic communication or any
65 other means, conducted in lieu of holding a public meeting with the members of the public
66 governmental body gathered at one location in order to conduct public business;

67 (6) "Public record", any record, whether written or electronically stored, retained by or
68 of any public governmental body including any report, survey, memorandum, or other document
69 or study prepared for the public governmental body by a consultant or other professional service
70 paid for in whole or in part by public funds, including records created or maintained by private
71 contractors under an agreement with a public governmental body or on behalf of a public
72 governmental body; provided, however, that personally identifiable student records maintained
73 by public educational institutions shall be open for inspection by the parents, guardian or other
74 custodian of students under the age of eighteen years and by the parents, guardian or other
75 custodian and the student if the student is over the age of eighteen years. The term "public
76 record" shall not include any internal memorandum or letter received or prepared by or on behalf
77 of a member of a public governmental body consisting of advice, opinions and recommendations
78 in connection with the deliberative decision-making process of said body, unless such records
79 are retained by the public governmental body or presented at a public meeting. Any document
80 or study prepared for a public governmental body by a consultant or other professional service
81 as described in this subdivision shall be retained by the public governmental body in the same
82 manner as any other public record. **Any lease, sublease, rental agreement, or similar
83 instrument entered into by any public governmental body shall be a public record;**

84 (7) "Public vote", any vote, whether conducted in person, by telephone, or by any other
85 electronic means, cast at any public meeting of any public governmental body.

621.250. 1. All authority to hear appeals granted in chapters 260, 444, 640, 643, and 644, RSMo, and to the hazardous waste management commission in chapter 260, RSMo, the land reclamation commission in chapter 444, RSMo, the safe drinking water commission in chapter 640, RSMo, the air conservation commission in chapter 643, RSMo, and the clean water commission in chapter 644, RSMo, shall be transferred to the administrative hearing commission under this chapter. The authority to render final decisions after hearing on appeals heard by the administrative hearing commission shall remain with the commissions listed in this subsection. **The commissions listed in this subsection may render final decisions after hearing or through stipulation, consent order, agreed settlement or by disposition in the nature of default judgment, judgment on the pleadings, or summary determination, consistent with the rules and procedures of the administrative hearing commission.**

2. Except as otherwise provided by law, any person or entity who is a party to, or who is affected by, any finding, order, decision, or assessment for which the authority to hear appeals was transferred to the administrative hearing commission in subsection 1 of this section [shall be entitled to a hearing before the administrative hearing commission by the filing of a petition] **may file a notice of appeal** with the administrative hearing commission within thirty days after any such finding, order, decision, or assessment is placed in the United States mail or within thirty days of any such finding, order, decision, or assessment being delivered, whichever is earlier. **The administrative hearing commission may hold hearings or may make recommended decisions based on stipulation of the parties, consent order, agreed settlement or by disposition in the nature of default judgment, judgment on the pleadings, or summary determination, in accordance with the rules and procedures of the administrative hearing commission.**

3. Any decision by the director of the department of natural resources that may be appealed to the commissions listed in subsection 1 of **this** section [621.052] and shall contain a notice of the right of appeal in substantially the following language: "If you were adversely affected by this decision, you may appeal to have the matter heard by the administrative hearing commission. To appeal, you must file a petition with the administrative hearing commission within thirty days after the date this decision was mailed or the date it was delivered, whichever date was earlier. If any such petition is sent by registered mail or certified mail, it will be deemed filed on the date it is mailed; if it is sent by any method other than registered mail or certified mail, it will be deemed filed on the date it is received by the administrative hearing commission.". Within fifteen days after the administrative hearing commission renders its recommended decision, it shall transmit the record and a transcript of the proceedings, together with the administrative hearing commission's recommended decision to the commission having

36 authority to issue a final decision. The decision of the commission shall be based only on the
37 facts and evidence in the hearing record. The commission may adopt the recommended decision
38 as its final decision. The commission may change a finding of fact or conclusion of law made
39 by the administrative hearing commission, or may vacate or modify the recommended decision
40 issued by the administrative hearing commission, only if the commission states in writing the
41 specific reason for a change made under this subsection.

42 4. In the event the person filing the appeal prevails in any dispute under this section,
43 interest shall be allowed upon any amount found to have been wrongfully collected or
44 erroneously paid at the rate established by the director of the department of revenue under
45 section 32.065, RSMo.

46 5. Appropriations shall be made from the respective funds of the various commissions
47 to cover the administrative hearing commission's costs associated with these appeals.

48 6. In all matters heard by the administrative hearing commission under this section, the
49 burden of proof shall comply with section 640.012, RSMo. The hearings shall be conducted by
50 the administrative hearing commission in accordance with the provisions of chapter 536, RSMo,
51 and its regulations promulgated thereunder.

640.013. [All authority to hear appeals granted in this chapter and chapters 260, 444,
2 643, and 644, RSMo, and to the hazardous waste management commission in chapter 260,
3 RSMo, the land reclamation commission in chapter 444, RSMo, the safe drinking water
4 commission in this chapter, the air conservation commission in chapter 643, RSMo, and the
5 clean water commission in chapter 644, RSMo, shall be transferred to the administrative hearing
6 commission under chapter 621, RSMo. The authority to render final decisions after hearing on
7 appeals heard by the administrative hearing commission shall remain with the commissions
8 listed in this subsection.] **The administrative hearing commission shall have the authority**
9 **to hear certain environmental appeals in accordance with section 621.250, RSMo.**

650.350. 1. There is hereby created within the department of public safety the "Missouri
2 Sheriff Methamphetamine Relief Taskforce" (MoSMART). MoSMART shall be composed of
3 five sitting sheriffs. Every two years, the Missouri Sheriffs' Association board of directors will
4 submit twenty names of sitting sheriffs to the governor. The governor shall appoint five
5 members from the list of twenty names, having no more than three from any one political party,
6 to serve a term of two years on MoSMART. The members shall elect a chair from among their
7 membership. Members shall receive no compensation for the performance of their duties
8 pursuant to this section, but each member shall be reimbursed from the MoSMART fund for
9 actual and necessary expenses incurred in carrying out duties pursuant to this section.

10 2. MoSMART shall meet no less than twice each calendar year with additional meetings
11 called by the chair upon the request of at least two members. A majority of the appointed
12 members shall constitute a quorum.

13 3. A special fund is hereby created in the state treasury to be [know] **known** as the
14 "MoSMART Fund". The state treasurer shall invest the moneys in such fund in the manner
15 authorized by law. All moneys received for MoSMART from interest, state, and federal moneys
16 shall be deposited to the credit of the fund. The director of the department of public safety shall
17 distribute at least fifty percent but not more than one hundred percent of the fund annually in the
18 form of grants approved by MoSMART.

19 4. **Except for money deposited into the deputy sheriff salary supplemental fund**
20 **created under section 57.278, RSMo**, all moneys appropriated to or received by MoSMART
21 shall be deposited and credited to the MoSMART fund. The department of public safety shall
22 only be reimbursed for actual and necessary expenses for the administration of MoSMART,
23 which shall be no less than one percent and which shall not exceed two percent of all moneys
24 appropriated to the fund, **except that the department shall not receive any amount of the**
25 **money deposited into the deputy sheriff salary supplemental fund for administrative**
26 **purposes**. The provisions of section 33.080, RSMo, to the contrary notwithstanding, moneys
27 in the MoSMART fund shall not lapse to general revenue at the end of the biennium.

28 5. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that
29 is created under the authority delegated in this section shall become effective only if it complies
30 with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section
31 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers
32 vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the
33 effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the
34 grant of rulemaking authority and any rule proposed or adopted after August 28, 2003, shall be
35 invalid and void.

36 6. Any county law enforcement entity or established task force with a memorandum of
37 understanding and protocol may apply for grants from the MoSMART fund on an application
38 to be developed by the department of public safety with the approval of MoSMART. All
39 applications shall be evaluated by MoSMART and approved or denied based upon the level of
40 funding designated for methamphetamine enforcement before 1997 and upon current need and
41 circumstances. No applicant shall receive a MoSMART grant in excess of one hundred
42 thousand dollars per year. The department of public safety shall monitor all MoSMART grants.

43

44 7. MoSMART's anti-methamphetamine funding priorities are as follows:

45 (1) Sheriffs who are participating in coordinated multijurisdictional task forces and have
46 their task forces apply for funding;

47 (2) Sheriffs whose county has been designated HIDTA counties, yet have received no
48 HIDTA or narcotics assistance program funding; and

49 (3) Sheriffs without HIDTA designations or task forces, whose application justifies the
50 need for MoSMART funds to eliminate methamphetamine labs.

51 **8. MoSMART shall administer the deputy sheriff salary supplemental fund as**
52 **provided under section 57.278, RSMo.**

Section 1. 1. If a person is ordered to pay support under a judicial or
2 **administrative support order and fails or refuses to obey the order, and if an order of**
3 **income withholding is inapplicable or unsuccessful, a recipient of support or the family**
4 **support division within the department of social services may commence a civil contempt**
5 **proceeding by filing in the circuit court of the county in which the support order is filed**
6 **or registered a motion for an order to show cause why the delinquent payor should not be**
7 **held in contempt. If the payor fails to appear in response to an order to show cause, the**
8 **court shall do one of the following:**

9 (1) Find the payor in contempt for failure to appear and issue a warrant; or

10 (2) Find the payor in contempt for the reasons stated in the motion for the show
11 cause hearing.

12 **2. If a warrant is issued under this section, the court shall decree that the payor is**
13 **subject to arrest if apprehended or detained anywhere in this state and shall require that,**
14 **upon arrest, unless the payor deposits a cash performance bond, the payor shall remain**
15 **in custody until the time of the hearing. The court shall specify in the bench warrant the**
16 **cash performance bond amount. The bond shall:**

17 (1) Require the payor to furnish an address to the court at which he or she can be
18 notified when to appear for a hearing;

19 (2) Notify the payor that if he or she fails to appear when notified by the court, the
20 bond shall be forfeited and sent to the family support payment center for payment on his
21 or her child support arrearages;

22 (3) Inform the payor that if he or she does not appear when notified, the court shall
23 determine to whom the bond shall be paid.

24

25 **If a bond is posted, the court shall schedule a hearing within thirty days.**

Section 2. 1. The court may find a payor in contempt if the court finds that the
2 **payor is in arrears and if the court is satisfied that the payor has the capacity to pay out**

3 of currently available resources all or some portion of the amount due under the support
4 order. In the absence of proofs to the contrary introduced by the payor, the court shall
5 presume that the payor has currently available resources equal to four weeks of payments
6 under the support order. The court shall not find that the payor has currently available
7 resources of more than one month of payment without proof of such resources. Upon
8 finding a payor in contempt of court under this section, the court may immediately enter
9 an order doing one or more of the following:

10 (1) Committing the payor to county jail;

11 (2) Committing the payor to county jail with the privilege of leaving the jail during
12 the hours the court determines and under the supervision the court considers necessary
13 for the purpose of allowing the payor to go to and return from his or her place of
14 employment;

15 (3) If the payor holds an occupational license, driver's license, or hunting or fishing
16 license, conditioning a suspension of the payor's license or any combination of the licenses
17 upon noncompliance with an order for payment of the arrearage in one or more scheduled
18 installments of a sum certain;

19 (4) Ordering the payor to participate in a work activity.

20 2. If the court enters an order under subdivision (3) of subsection 1 of this section
21 and the payor fails to comply with the arrearage payment schedule, after notice and
22 opportunity for a hearing, the court shall order suspension of the payor's license or licenses
23 with respect to which the order under subdivision (3) of subsection 1 of this section was
24 entered.

25 3. Notwithstanding the length of commitment imposed under this section, the court
26 may release a payor who is unemployed if committed to a county jail under this section and
27 who finds employment, if one of the following applies:

28 (1) The payor is self-employed, completes two consecutive weeks at his or her
29 employment, and makes a support payment as required by the court; or

30 (2) The payor is employed and completes two consecutive weeks at his or her
31 employment and an order of income withholding is effective.

Section 3. 1. An order of commitment under section 2 of this act shall be entered
2 only if other remedies appear unlikely to correct the payor's failure or refusal to pay
3 support.

4 2. An order of commitment shall separately state the following:

5 (1) The amount of the arrearage under the support order; and

6 (2) The amount to be paid in order to be released from the order of commitment.

7 **3. A commitment shall continue until the amount ordered to be paid under**
8 **subdivision (2) of subsection 2 of this section is paid but shall not exceed forty-five days for**
9 **the first adjudication of contempt or ninety days for a subsequent adjudication of**
10 **contempt.**

Section 4. The office of state courts administrator shall conduct a study and report
2 **to the general assembly by June 30, 2009, on the impact of changing the definition of child,**
3 **as used in section 211.031, RSMo, to include any person over seventeen years of age but not**
4 **yet eighteen years of age alleged to have committed a status offense as defined in**
5 **subdivision (2) of subsection 1 of section 211.031, RSMo. The report shall contain**
6 **information regarding the impact on caseloads of juvenile officers, including the average**
7 **increase in caseload per juvenile officer for each judicial circuit, and the number of**
8 **children affected by the change in definition.**

Section 5. 1. The governor is hereby authorized and empowered to sell, transfer,
2 **grant, and convey all interest in fee simple absolute in property owned by the state in**
3 **Jasper County to Missouri Southern State University. The property to be conveyed is**
4 **more particularly described as follows:**

5 **A tract of land lying in the Southwest Quarter (1/4) of the Southeast Quarter**
6 **(1/4) of Section 31, Township 28, Range 32, Jasper County, Missouri, and**
7 **described by the following metes and bounds: beginning at the Southwest**
8 **corner of the above described Southwest Quarter (1/4) of the Southeast (1/4)**
9 **of Section 31; thence North along the West line thereof 670.0 Feet; thence**
10 **East with an angle of 90 degrees with the said West line 450.0 Feet to a**
11 **point; thence South parallel to said West line 140.0 Feet; thence South 56**
12 **degrees East for a distance of 415.0 Feet to a point; thence South 290.0 Feet**
13 **to the South line of said Southwest Quarter (1/4) of the Southeast Quarter**
14 **(1/4); thence West along said South line 800.0 Feet to point of beginning,**
15 **containing ten and two-tenths (10.2) acres, more or less, except a strip of**
16 **land fifty feet wide East and West off of the West side thereof, the same**
17 **being reserved for road purposes.**

18 **2. The conveyance of the property described in this section shall not occur until the**
19 **Joplin Regional Center is relocated from the property described in this section to different**
20 **property.**

21 **3. The commissioner of administration shall set the terms and conditions for the**
22 **sale as the commissioner deems reasonable. Such terms and conditions may include, but**
23 **not be limited to, the number of appraisals required, the time, place, and terms of the sale.**

24 **4. The attorney general shall approve the form of the instrument of conveyance.**

Section 6. 1. As used in sections 6 to 8 of this act the following terms shall mean:

2 (1) "Generic equivalent", another drug with the same chemical compound as the
3 originally prescribed medication;

4 (2) "Health carrier", the same meaning as such term is defined in section 376.1350,
5 RSMo; except when such health care services are provided, delivered, arranged for, paid
6 for, or reimbursed by the department of social services or the department of mental
7 health;

8 (3) "Pharmacy benefit manager" or "PBM", a person or entity other than a
9 pharmacy or pharmacist acting as an administrator in connection with pharmacy benefits;

10 (4) "Switch communication", a communication from a health insurance carrier or
11 PBM to a patient or the patient's physician that recommends a patient's medication be
12 switched by the original prescribing health care professional to a different medication than
13 the medication originally prescribed by the prescribing health care professional;

14 (4) "Therapeutic alternative", another drug within the same drug class as the
15 originally prescribed medication.

16 2. (1) Any time a patient's medication is recommended to be switched to a
17 medication other than that originally prescribed by the prescribing health care
18 professional, a switch communication shall be sent to:

19 (a) The patient providing information about why the switch is proposed and the
20 patient's rights for refusing the recommended change in treatment; and

21 (b) The plan sponsor informing such sponsor of the cost, shown in currency form,
22 of the recommended medication and the cost, shown in currency form, of the originally
23 prescribed medication.

24 (2) A switch communication shall not be required for generic equivalent medication
25 switches, unless the cost to the patient or plan sponsor is greater than the medication
26 originally prescribed and dispensed.

27 (3) A switch communication shall be required for therapeutic alternative
28 medication switches.

29 3. Such switch communication shall:

30 (1) Clearly identify the originally prescribed medication and the medication to
31 which it has been proposed that the patient should be switched;

32 (2) Explain any financial incentives that may be provided to, or have been offered
33 to, the prescribing health care professional by the health carrier or PBM that could result
34 in the switch to the different drug. In particular, cash or in-kind compensation payable
35 to prescribers or their professional practices for switching patients from their currently
36 prescribed medication to a different medication shall be disclosed to the patient as well as

37 incentives that may be provided through general health care professional compensation
38 programs used by the health carrier or PBM;

39 (3) Explain any financial incentive that a health carrier or PBM may have to
40 encourage the switch to a different drug;

41 (4) Advise the patient of his or her rights to discuss the proposed change in
42 treatment before such a switch takes place, including a discussion with the patient's
43 prescribing health care professional, the filing of a grievance with the health carrier to
44 prevent the switch if such a switch is based on a financial incentive and the filing of a
45 grievance with the department of insurance, financial institutions, and professional
46 registration; and

47 (5) Explain any cost sharing changes for which the patient is responsible.

48 4. Switch communications to health care providers shall disclose financial
49 incentives or benefits that may be received by the health carrier or PBM.

50 5. Switch communications to health care providers shall direct the prescriber to
51 advise the patient that is subjected to a switch by the prescriber of any financial incentives
52 received by the prescriber or other inducements from the health carrier or PBM that may
53 influence the decision to switch.

54 6. A copy of any switch communication sent to a patient shall also be sent to the
55 prescribing health care professional.

56 7. Health insurance payers, including employers, shall be notified of medication
57 switches among plan participants. Such notification shall include any financial incentive
58 the health carrier or PBM may be utilizing to encourage or induce the switch. Information
59 contained in the notification shall be in the aggregate and must not contain any personally
60 identifiable information.

61 8. The department of insurance, financial institutions and professional registration
62 shall create one form for health carriers and pharmacy benefit managers to use in switch
63 communications to patients, prescribing health care professionals, and health insurance
64 payers including employers.

65 9. The department shall promulgate rules governing switch communications. Such
66 rules shall include, but not be limited to the following:

67 (1) Procedures for verifying the accuracy of any switch communications from
68 health benefit plans and pharmacy benefit managers to ensure that such switch
69 communications are truthful, accurate, and not misleading based on cost to the patient and
70 plan sponsor, the product package labeling, medical compendia recognized by the MO

71 HealthNet program for the drug utilization review program, and peer-reviewed medical
72 literature, with appropriate references provided;

73 (2) A requirement that all switch communications bear a prominent legend on the
74 first page that states: "This is not a product safety notice. This is a promotional
75 announcement from your health care insurer or pharmacy benefit manager about one of
76 your current prescribed medications.";

77 (3) A requirement that, if the switch communication contains information
78 regarding a potential therapeutic substitution, such communication shall explain that
79 medications in the same therapeutic class are associated with different risks and benefits
80 and may work differently in different patients.

81 10. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,
82 that is created under the authority delegated in this section shall become effective only if
83 it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if
84 applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable
85 and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,
86 to review, to delay the effective date, or to disapprove and annul a rule are subsequently
87 held unconstitutional, then the grant of rulemaking authority and any rule proposed or
88 adopted after August 28, 2008, shall be invalid and void.

Section 7. 1. Issuing or delivering or causing to be issued or delivered a switch
2 communication that has not been approved and is not in compliance with the requirements
3 of section 6 of this act is punishable by a fine not to exceed twenty-five thousand dollars.

4 2. Providing a misrepresentation or false statement in a switch communication
5 under section 6 of this act is punishable by a fine not to exceed twenty-five thousand
6 dollars.

7 3. Any other material violation of section 6 of this act is punishable by a fine not
8 to exceed twenty-five thousand dollars.

Section 8. 1. When medications for the treatment of any medical condition are
2 restricted for use by a health carrier or PBM by a step therapy or fail first protocol, a
3 prescriber may override such restriction if:

4 (1) The preferred treatment by the health carrier or the PBM has been ineffective
5 in the treatment of the covered person's disease or medical condition; or

6 (2) Based on sound clinical evidence and medical and scientific evidence:

7 (a) The preferred treatment is expected to be ineffective based on the known
8 relevant physical or mental characteristics of the covered person and known

9 characteristics of the drug regimen, and is likely to be ineffective or adversely affect the
10 drug's effectiveness or patient compliance; or

11 (b) The preferred treatment has caused or based on sound clinical evidence and
12 medical and scientific evidence is likely to cause an adverse reaction or other harm to the
13 covered person.

14 2. The duration of any step therapy or fail first protocol shall not be longer than
15 a period of fourteen days when such treatment is deemed clinically ineffective by the
16 prescribing physician.

17 3. For medications with no generic equivalent and for which the prescribing
18 physician in their clinical judgment feels that no appropriate therapeutic alternative is
19 available a health carrier or PBM shall provide access to United States Food and Drug
20 Administration (FDA) labeled medications without restriction to treat such medical
21 conditions for which an FDA labeled medication is available.

22 4. Nothing in this section shall require coverage for a condition specifically excluded
23 by the policy which is not otherwise covered by law.

2 [226.095. Upon request of the plaintiff in a negligence action against the
3 department of transportation as defendant, the case shall be arbitrated by a panel
4 of three arbiters pursuant to the provisions of chapter 435, RSMo.]

2 [452.343. Notwithstanding any provision of law to the contrary, every
3 judgment or order issued in this state which, in whole or in part, affects child
4 custody, child support, visitation, modification of custody, support or visitation,
5 or is issued pursuant to section 454.470 or 454.475, RSMo, shall contain the
6 Social Security number of the parties to the action which gives rise to such
7 judgment or order.]

2 [452.440. Sections 452.440 to 452.550 may be cited as the "Uniform
3 Child Custody Jurisdiction Act".]

2 [452.445. As used in sections 452.440 to 452.550:

3 (1) "Custody determination" means a court decision and court orders and
4 instructions providing for the custody of a child, including visitation rights. This
5 term does not include a decision relating to child support or any other monetary
6 obligation of any person; but the court shall have the right in any custody
7 determination where jurisdiction is had pursuant to section 452.460 and where
8 it is in the best interest of the child to adjudicate the issue of child support;

9 (2) "Custody proceeding" includes proceedings in which a custody
10 determination is one of several issues, such as an action for dissolution of
marriage, legal separation, separate maintenance, appointment of a guardian of

the person, child neglect or abandonment, but excluding actions for violation of a state law or municipal ordinance;

(3) "Decree" or "custody decree" means a custody determination contained in a judicial decree or order made in a custody proceeding, and includes an initial decree and a modification decree;

(4) "Home state" means the state in which, immediately preceding the filing of custody proceeding, the child lived with his parents, a parent, an institution; or a person acting as parent, for at least six consecutive months; or, in the case of a child less than six months old, the state in which the child lived from birth with any of the persons mentioned. Periods of temporary absence of any of the named persons are counted as part of the six-month or other period;

(5) "Initial decree" means the first custody decree concerning a particular child;

(6) "Litigant" means a person, including a parent, grandparent, or step-parent, who claims a right to custody or visitation with respect to a child.]

[452.450. 1. A court of this state which is competent to decide child custody matters has jurisdiction to make a child custody determination by initial or modification decree if:

(1) This state:

(a) Is the home state of the child at the time of commencement of the proceeding; or

(b) Had been the child's home state within six months before commencement of the proceeding and the child is absent from this state for any reason, and a parent or person acting as parent continues to live in this state; or

(2) It is in the best interest of the child that a court of this state assume jurisdiction because:

(a) The child and his parents, or the child and at least one litigant, have a significant connection with this state; and

(b) There is available in this state substantial evidence concerning the child's present or future care, protection, training, and personal relationships; or

(3) The child is physically present in this state and:

(a) The child has been abandoned; or

(b) It is necessary in an emergency to protect the child because he has been subjected to or threatened with mistreatment or abuse, or is otherwise being neglected; or

(4) It appears that no other state would have jurisdiction under prerequisites substantially in accordance with subdivision (1), (2), or (3), or another state has declined to exercise jurisdiction on the ground that this state is the more appropriate forum to determine the custody of the child, and it is in the best interest of the child that this court assume jurisdiction.

26 2. Except as provided in subdivisions (3) and (4) of subsection 1 of this
27 section, physical presence of the child, or of the child and one of the litigants, in
28 this state is not sufficient alone to confer jurisdiction on a court of this state to
29 make a child custody determination.

30 3. Physical presence of the child, while desirable, is not a prerequisite for
31 jurisdiction to determine his custody.]
32

2 [452.455. 1. Any petition for modification of child custody decrees filed
3 under the provisions of section 452.410, or sections 452.440 to 452.450, shall be
4 verified and, if the original proceeding originated in the state of Missouri, shall
5 be filed in that original case, but service shall be obtained and responsive
6 pleadings may be filed as in any original proceeding.

7 2. Before making a decree under the provisions of section 452.410, or
8 sections 452.440 to 452.450, the litigants, any parent whose parental rights have
9 not been previously terminated, and any person who has physical custody of the
10 child must be served in the manner provided by the rules of civil procedure and
11 applicable court rules and may within thirty days after the date of service
12 (forty-five days if service by publication) file a verified answer. If any of these
13 persons is outside this state, notice and opportunity to be heard shall be given
14 pursuant to section 452.460.

15 3. In any case in which the paternity of a child has been determined by
16 a court of competent jurisdiction and where the noncustodial parent is delinquent
17 in the payment of child support in an amount in excess of ten thousand dollars,
18 the custodial parent shall have the right to petition a court of competent
19 jurisdiction for the termination of the parental rights of the noncustodial parent.

20 4. When a person filing a petition for modification of a child custody
21 decree owes past due child support to a custodial parent in an amount in excess
22 of ten thousand dollars, such person shall post a bond in the amount of past due
23 child support owed as ascertained by the division of child support enforcement
24 or reasonable legal fees of the custodial parent, whichever is greater, before the
25 filing of the petition. The court shall hold the bond in escrow until the
26 modification proceedings pursuant to this section have been concluded wherein
27 such bond shall be transmitted to the division of child support enforcement for
28 disbursement to the custodial parent.]
29

2 [452.460. 1. The notice required for the exercise of jurisdiction over a
3 person outside this state shall be given in a manner reasonably calculated to give
4 actual notice, and may be given in any of the following ways:

5 (1) By personal delivery outside this state in the manner prescribed for
service of process within this state;

6 (2) In the manner prescribed by the law of the place in which the service
7 is made for service of process in that place in an action in any of its courts of
8 general jurisdiction;

9 (3) By certified or registered mail; or

10 (4) As directed by the court, including publication, if any other means
11 of notification are ineffective.

12 2. Proof of service outside this state may be made by affidavit of the
13 individual who made the service, or in the manner prescribed by the law of this
14 state, the order pursuant to which the service is made, or the law of the place in
15 which the service is made. If service is made by mail, proof of service may be
16 a receipt signed by the addressee or other evidence of delivery to the addressee.

17 3. The notice provided for in this section is not required for a person who
18 submits to the jurisdiction of the court.]
19

2 [452.465. 1. A court of this state shall not exercise its jurisdiction under
3 sections 452.440 to 452.550 if, at the time of filing the petition, a proceeding
4 concerning the custody of the child was pending in a court of another state
5 exercising jurisdiction substantially in conformity with sections 452.440 to
6 452.550, unless the proceeding is stayed by the court of that other state for any
7 reason.

8 2. Before hearing the petition in a custody proceeding, the court shall
9 examine the pleadings and other information supplied by the parties under
10 section 452.480 and shall consult the child custody registry established under
11 section 452.515 concerning the pendency of proceedings with respect to the child
12 in other states. If the court has reason to believe that proceedings may be
13 pending in another state, it shall direct an inquiry to the state court administrator
14 or other appropriate official of that state.

15 3. If the court is informed during the course of the proceeding that a
16 proceeding concerning the custody of the child was pending in another state
17 before the court assumed jurisdiction, it shall stay the proceeding and
18 communicate with the court in which the other proceeding is pending in order
19 that the issue may be litigated in the more appropriate forum and that information
20 may be exchanged in accordance with sections 452.530 to 452.550. If a court of
21 this state has made a custody decree before being informed of a pending
22 proceeding in a court of another state, it shall immediately inform that court of
23 the fact. If the court is informed that a proceeding was commenced in another
24 state after it assumed jurisdiction, it shall likewise inform the other court in order
25 that the issues may be litigated in the more appropriate forum.]

2 [452.470. 1. A court which has jurisdiction under this act to make an
3 initial or modification decree may decline to exercise its jurisdiction any time
before making a decree if it finds that it is an inconvenient forum to make a

4 custody determination under the circumstances of the case and that a court of
5 another state is a more appropriate forum.

6 2. A finding that a court is an inconvenient forum under subsection 1
7 above may be made upon the court's own motion or upon the motion of a party
8 or a guardian ad litem or other representative of the child. In determining if it is
9 an inconvenient forum, the court shall consider if it is in the interest of the child
10 that another state assume jurisdiction.

11 3. Before determining whether to decline or retain jurisdiction the court
12 may communicate with a court of another state and exchange information
13 pertinent to the assumption of jurisdiction by either court, with a view to assuring
14 that jurisdiction will be exercised by the more appropriate court and that a forum
15 will be available to the parties.

16 4. If the court finds that it is an inconvenient forum and that a court of
17 another state is a more appropriate forum, it may dismiss the proceedings, or it
18 may stay the proceedings upon condition that a custody proceeding be promptly
19 commenced in another named state or upon any other conditions which may be
20 just and proper, including the condition that a moving party stipulate his consent
21 and submission to the jurisdiction of the other forum.

22 5. The court may decline to exercise its jurisdiction under this act if a
23 custody determination is incidental to an action for dissolution of marriage or
24 another proceeding while retaining jurisdiction over the dissolution of marriage
25 or other proceeding.

26 6. If it appears to the court that it is clearly an inappropriate forum, it
27 may require the party who commenced the proceedings to pay, in addition to the
28 costs of the proceedings in this state, necessary travel and other expenses,
29 including attorneys' fees, incurred by other parties or their witnesses. Payment
30 is to be made to the clerk of the court for remittance to the proper party.

31 7. Upon dismissal or stay of proceedings under this section, the court
32 shall inform the court found to be the more appropriate forum of this fact or, if
33 the court which would have jurisdiction in the other state is not certainly known,
34 shall transmit the information to the court administrator or other appropriate
35 official for forwarding to the appropriate court.

36 8. Any communication received from another state informing this state
37 of a finding that a court of this state is the more appropriate forum shall be filed
38 in the custody registry of the appropriate court. Upon assuming jurisdiction the
39 court of this state shall inform the original court of this fact.]

40 [452.475. 1. If the petitioner for an initial decree has wrongfully taken
2 the child from another state or has engaged in similar reprehensible conduct, the
3 court may decline to exercise jurisdiction if this is just and proper under the
4 circumstances.

5 2. Unless required in the interest of the child, the court shall not exercise
6 its jurisdiction to modify a custody decree of another state if the petitioner,
7 without consent of the person entitled to custody, has improperly removed the
8 child from the physical custody of the person entitled to custody or has
9 improperly retained the child after a visit or other temporary relinquishment of
10 physical custody. If the petitioner has violated any other provision of a custody
11 decree of another state, the court may decline to exercise its jurisdiction if this
12 is just and proper under the circumstances.

13 3. In appropriate cases a court dismissing a petition under this section
14 may charge the petitioner with necessary travel and other expenses, including
15 attorneys' fees, incurred by other parties or their witnesses.]
16

2 [452.480. 1. In his first pleading, or in an affidavit attached to that
3 pleading, every party in a custody proceeding shall give information under oath
4 as to the child's present address, with whom the child is presently living and with
5 whom and where the child lived, other than on a temporary basis, within the past
6 six months. In this pleading or affidavit every party shall further declare under
7 oath whether:

8 (1) He has participated in any capacity in any other litigation concerning
9 the custody of the same child in this or any other state;

10 (2) He has information of any custody proceeding concerning the child
11 pending in a court of this or any other state; and

12 (3) He knows of any person not a party to the proceedings who has
13 physical custody of the child or claims to have custody or visitation rights with
14 respect to the child.

15 2. If the declaration as to any of the items listed in subdivisions (1)
16 through (3) of subsection 1 above is in the affirmative, the declarant shall give
17 additional information under oath as required by the court. The court may
18 examine the parties under oath as to details of the information furnished and as
19 to other matters pertinent to the court's jurisdiction and the disposition of the
20 case.

21 3. Each party has a continuing duty to inform the court of any change in
22 information required by subsection 1 of this section.]

2 [452.485. If the court learns from information furnished by the parties
3 pursuant to section 452.480 or from other sources that a person not a party to the
4 custody proceeding has physical custody of the child or claims to have custody
5 or visitation rights with respect to the child, it may order that person to be joined
6 as a party and to be duly notified of the pendency of the proceeding and of his
7 joinder as a party. If the person joined as a party is outside this state he shall be
8 served with process or otherwise notified in accordance with section 452.460.]

2 [452.490. 1. The court may order any party to the proceeding who is in
3 this state to appear personally before the court. If the court finds the physical
4 presence of the child in court to be in the best interests of the child, the court may
5 order that the party who has physical custody of the child appear personally with
6 the child.

7 2. If a party to the proceeding whose presence is desired by the court is
8 outside this state, with or without the child, the court may order that the notice
9 given under section 452.460 include a statement directing that party to appear
10 personally with or without the child.

11 3. If a party to the proceeding who is outside this state is directed to
12 appear under subsection 1 of this section or desires to appear personally before
13 the court with or without the child, the court may require another party to pay to
14 the clerk of the court travel and other necessary expenses of the party so
15 appearing and of the child, if this is just and proper under the circumstances.

16 4. If the court finds it to be in the best interest of the child that a guardian
17 ad litem be appointed, the court may appoint a guardian ad litem for the child.
18 The guardian ad litem so appointed shall be an attorney licensed to practice law
19 in the state of Missouri. Disqualification of a guardian ad litem shall be ordered
20 in any legal proceeding pursuant to this chapter, upon the filing of a written
21 application by any party within ten days of appointment. Each party shall be
22 entitled to one disqualification of a guardian ad litem appointed under this
23 subsection in each proceeding, except a party may be entitled to additional
24 disqualifications of a guardian ad litem for good cause shown. The guardian ad
25 litem may, for the purpose of determining custody of the child only, participate
26 in the proceedings as if such guardian ad litem were a party. The court shall
27 enter judgment allowing a reasonable fee to the guardian ad litem.

28 5. The court shall appoint a guardian ad litem in any proceeding in which
29 child abuse or neglect is alleged.]

2 [452.495. A custody decree rendered by a court of this state which had
3 jurisdiction under section 452.450 binds all parties who have been served in this
4 state or notified in accordance with section 452.460, or who have submitted to
5 the jurisdiction of the court, and who have been given an opportunity to be heard.
6 As to these parties the custody decree is conclusive as to all issues of law and
7 fact decided and as to the custody determination made, unless and until that
8 determination is modified pursuant to law, including the provisions of section
9 452.410 and sections 452.440 to 452.550.]

2 [452.500. The courts of this state shall recognize and enforce an initial
3 or modification decree of a court of another state which had assumed jurisdiction
4 under statutory provisions substantially in accordance with sections 452.440 to
5 452.550, or which was made under factual circumstances meeting the

5 jurisdictional standards of sections 452.440 to 452.550, so long as this decree has
6 not been modified in accordance with jurisdictional standards substantially
7 similar to those of sections 452.440 to 452.550.]
8

2 [452.505. If a court of another state has made a custody decree, a court
3 of this state shall not modify that decree unless it appears to the court of this state
4 that the court which rendered the decree does not now have jurisdiction under
5 jurisdictional prerequisites substantially in accordance with sections 452.440 to
6 452.550 or has declined to assume jurisdiction to modify the decree and the court
7 of this state has jurisdiction.]

2 [452.510. 1. A certified copy of a custody decree of another state may
3 be filed in the office of the clerk of any circuit court of this state. The clerk shall
4 treat the decree in the same manner as a custody decree of the circuit court of this
5 state. A custody decree so filed has the same effect and shall be enforced in like
6 manner as a custody decree rendered by a court of this state.

7 2. A person violating a custody decree of another state which makes it
8 necessary to enforce the decree in this state may be required to pay necessary
9 travel and other expenses, including attorneys' fees, incurred by the party entitled
10 to the custody or his witnesses.]

2 [452.515. The clerk of each circuit court shall maintain a registry in
3 which he shall enter the following:

4 (1) Certified copies of custody decrees of other states received for filing;
5 (2) Communications as to the pendency of custody proceedings in other
6 states;

7 (3) Communications concerning findings of inconvenient forum under
8 section 452.470 by a court of another state; and

9 (4) Other communications or documents concerning custody proceedings
10 in another state which in the opinion of the circuit judge may affect the
11 jurisdiction of a court of this state or the disposition to be made by it in a custody
12 proceeding.]

2 [452.520. The clerk of the circuit court of this state, at the request of the
3 court of another state or at the request of any person who is affected by or has a
4 legitimate interest in a custody decree, may, upon payment therefor, certify and
5 forward a copy of the decree to that court or person.]

2 [452.525. In addition to other procedural devices available to a party, any
3 party to the proceeding or a guardian ad litem or other representative of the child
4 may obtain the testimony of witnesses, including parties and the child, by
deposition or otherwise, in another state. The court on its own motion may direct

5 that the testimony of a person be taken in another state and may prescribe the
6 manner in which and the terms upon which the testimony shall be taken.]
7

2 [452.530. 1. A court of this state may request the appropriate court of
3 another state to hold a hearing to obtain evidence, to order persons within that
4 state to produce or give evidence under other procedures of that state, or to have
5 social studies made with respect to the custody of a child involved in proceedings
6 pending in the court of this state; and to forward to the court of this state certified
7 copies of the transcript of the record of the hearing, the evidence otherwise
8 obtained, or any social studies prepared in compliance with the request. The cost
9 of the services may be assessed against the parties.

10 2. A court of this state may request the appropriate court of another state
11 to order a party to custody proceedings pending in the court of this state to
12 appear in the proceedings and, if that party has physical custody of the child, to
13 appear with the child. The request may state that travel and other necessary
14 expenses of the party and of the child whose appearance is desired will be
15 assessed against the appropriate party.]

2 [452.535. 1. Upon request of the court of another state, the courts of this
3 state which are competent to hear custody matters may order a person in this
4 state to appear at a hearing to obtain evidence or to produce or give evidence
5 under other procedures available in this state for use in a custody proceeding in
6 another state. A certified copy of the transcript of the record of the hearing or the
7 evidence otherwise obtained may, in the discretion of the court and upon
8 payment therefor, be forwarded to the requesting court.

9 2. A person within this state may voluntarily give his testimony or
10 statement in this state for use in a custody proceeding outside this state.

11 3. Upon request of the court of another state, a competent court of this
12 state may order a person in this state to appear alone or with the child in a
13 custody proceeding in another state. The court may condition compliance with
14 the request upon assurance by the other state that travel and other necessary
15 expenses will be advanced or reimbursed.]

2 [452.540. In any custody proceeding in this state the court shall preserve
3 the pleadings, orders and decrees, any record that has been made of its hearings,
4 social studies, and other pertinent documents until the child reaches eighteen
5 years of age. When requested by the court of another state the court may, upon
6 payment therefor, forward to the other court certified copies of any or all of such
7 documents.]

2 [452.545. If a custody decree has been rendered in another state
concerning a child involved in a custody proceeding pending in a court of this

3 state, the court of this state, upon taking jurisdiction of the case, shall request of
4 the court of the other state a certified copy of the transcript of any court record
5 and other documents mentioned in section 452.540.]
6

2 [452.550. Upon the request of a party to a custody proceeding which
3 raises a question of existence or exercise of jurisdiction under sections 452.440
4 to 452.550, determination of jurisdiction shall be given calendar priority and
5 handled expeditiously.]

2 [454.993. Sections 454.850 to 454.997 may be cited as the "Uniform
3 Interstate Family Support Act".]

2 Section B. Because immediate action is necessary to protect young children within
3 Missouri from potentially serious injury, the repeal and reenactment of sections 317.006,
4 317.011, and 317.015 of section A of this act is deemed necessary for the immediate
5 preservation of the public health, welfare, peace, and safety, and is hereby declared to be an
6 emergency act within the meaning of the constitution, and the repeal and reenactment of sections
7 317.006, 317.011, and 317.015 of section A of this act shall be in full force and effect upon its
8 passage and approval.

✓
Bill

Copy